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The Solicitors' Journal.

LONDON, NOVEMBER 11, 1871.

Mr. JUSTICE MONTAGUE SMITH, Sir Robert Collier, and Sir James Colvile have been appointed Privy Council judges under the new Act. Sir John Coleridge succeeds Sir R. Collier as Attorney-General, and Mr. Jessel, Q.C., becomes Solicitor-General. Sir Robert Collier had to be made a puisne judge before he could be constituted a Privy Council judge under the Judicial Committee Act, because the Act enacted that the new paid Privy Council judges must, when appointed, "be or have been judges of one of her Majesty's Superior Courts at Westminster," &c., the intention being that experienced judges should, from time to time, be drafted from the existing bench to the new appointments. So that when Sir R. Collier is made a puisne judge one moment and a Privy Council judge the next (as common law judges sometimes pass through the degree of the coif, *per saltum*) the proceeding, though technically within the letter of the new Act, is an evasion of its spirit. There were others whose appointment would have given more satisfaction, and others, again, who might have been supposed to have better claims. The Government, however, have thought fit to select Sir R. Collier as one who has served his party in the House of Commons. The appointments made to the Attorney and Solicitor-General's offices are not open to objection. Of course, Sir Roundell Palmer is a better Attorney-General than anyone else, but there would have been a singularity in passing over the Solicitor. Moreover, Sir R. Palmer is always at his post in Parliament, ready with his wisdom, knowledge, and eloquence in the service of the nation, and we fancy he finds a more congenial, and perhaps a more useful, field in acting as he does as a law officer for the country than he would in acting as a law officer for any Government. Mr. Jessel's appointment surprises no one; though not popular in the House of Commons, he is a sound lawyer, and the new Attorney and Solicitor will at any rate divide between them law and eloquence.

THE SUIT OF *Peek* v. *Gurney*, decided this week by the Master of the Rolls against the plaintiff, is, we may suppose, the last of the proceedings directed against the promoters of Overend, Gurney, & Co. on account of what we may now safely speak of as their admitted suppression of the true condition of the old company. A criminal proceeding against the directors had been tried, and failed, from the jury believing that the defendants had convinced themselves that their undertaking would prove successful. A suit by the company itself against the directors, in which the official liquidator sought to render the directors chargeable with breach of duty, failed last year (*Overend, Gurney, & Co.* v. *Gurney and Others*, 17 W. R. 1115). This latter was a suit of a singular description, and can be described as nothing else than a bill to recover for a breach of duty, for which the only precedent is the old case of *Charitable Corporation* v. *Sutton* (1 Atk. 400.) The equity was laid, not in fraud or even in misrepresentation, but the charge was that the defendants had committed a breach of duty and a breach of trust in investing the funds raised from the subscribers on such a purchase. This bill failed, Lord Hatherley holding that it was not enough to say that the defendants had made a bad or imprudent bargain, and that the case did not disclose *crassa negligentia* on which an equity could have been grounded. The suit in which Lord Romilly gave judgment on Monday, was, unlike the one just mentioned, directly framed upon the charge of misrepresentation, praying in fact a similar relief to that granted in *Henderson* v. *Lacon* (16 W. R. 328) and other cases. The Master of the Rolls has dismissed the suit upon a ground of condonation. Admitting that the defendant's belief that the concern must succeed did not impair their obligation, in the eye of the Court, of placing the whole truth before those whom they invited to join them, Lord Romilly held that the plaintiff was barred by acquiescence. He said that when a man takes shares in a company he ought to ascertain at once whether or no the representations on the faith of which he took them were correct. No one can dispute the wholesomeness of the general doctrine of "acquiescence" by which the court of equity, in accordance also with its old maxim, *vigilantibus non dormientibus subvenire*, prevents shareholders from standing to win on the alternative events of success and failure of their companies. But the present case was at any rate one near the line. The company was registered in July, 1865. Mr. Peek's shares were obtained in October, 1865, and January, 1866, and the concern stopped payment in May, 1866. Considering the magnitude of the transaction and the huge complication of figures, it seems at least doubtful whether or no eight or ten months would be an unreasonable time, though Lord Romilly appears to have considered otherwise; but his Lordship imported into the case the additional fact that the winding-up occurred at the end of that time, and estopped the shareholders from escaping from liability to the creditors. Now the argument grounded on that, must be something of this sort—that the defendants might say to the plaintiff—"If you had been prompt in finding out the deception you would have escaped being a contributory, and you would have suffered nothing; your suffering is due primarily to your own laches, and not to my deception." Yet it can hardly be maintained with justice that in no case could a plaintiff succeed against directors, though fixed as against creditors. Suppose, for instance, the company were wound up the day after he joined it. The very grossness of the fraud would be its own protection. There can be no hard and fast line in these cases; and therefore we do not say that Lord Romilly's decision is wrong, but it is near the debateable ground.

If the decision had been the other way on the point above noticed, a very important question would have arisen—viz., whether or no the plaintiff could succeed, he having been, not a subscriber for, but merely a purchaser of, shares in the market. *Duranty's case* (26 Beav. 268) has always been relied on as settling that a tranferee cannot avail himself of misrepresentation. And yet it might be argued that where misrepresentations are publicly advertised they are practically addressed to the public, and privity is established. There are other cases, too, that favour this view. However, the suit being dismissed, this point need not be discussed.

A PUBLIC MEETING has been held this week at Manchester, convened by the Mayor, upon a numerously-signed requisition, for the purpose of considering what steps could be taken, by petition to the Legislature or otherwise, for securing the reconsideration of the *cause célèbre* of *Sheddon* v. *Patrick*. In the course of the proceedings opinions were expressed by Sir Joseph Heron (the Town Clerk), Mr. Birley, M.P., and others, against the expediency of refusal of juries under the Legitimacy Declaration Act, and a resolution was

finally carried, which, besides expressing sympathy with Miss Shedden's case, agreed to the presentation of petitions to both Houses of Parliament in favour of "all cases involving nationality, legitimacy, and the right to property, real and personal, being tried by a jury." That would indeed be a wholesale reform.

WE REPORT IN ANOTHER COLUMN, an eccentric decision of the county court judge at Birmingham, to the effect that the wife of an absconding bankrupt may contract as if she were a *feme sole*. The result in the particular case was to fix on a married woman a liability from which, according to the hitherto received principles of English law, she was clearly exempt; but as the reasoning upon which the decision is based obviously extends to the converse case of a lady in a similar position asserting the rights of an unmarried woman, we presume that the judgment will be hailed with delight by all consistent advocates of women's rights. It is as well, therefore, that we should point out that the very ingenious argument of the plaintiff's advocate in the case in question, which met with what we cannot help thinking must have been an unexpected success before the county court judge, had already, in the year 1832, occurred to a special pleader, who embodied his idea in a replication to be found set out in the case of *Williamson* v. *Daws*, 9 Bing. 292. The notion however then met with a very different fate, as the judges of the Court of Common Pleas (a very strong court at that time) decided against it without hearing counsel on the other side. The facts of the two cases are so very similar, even if not identical, that we cannot imagine that any ingenuity could distinguish them. The county court judge in his very elaborate judgment did not attempt to do so, and seems to have overlooked the case, although we believe it was quoted by the defendant's advocate. It does not seem, indeed, that in his research amongst the authorities he got down to so recent a date as 1832. In truth, however, it required no express authority to decide such a point.

There is a test which may be almost infallibly applied whenever a point of black letter law is raked up and alleged to govern any case at the present day, and that is this, to see whether the facts of the case are unusual, in which case it may be that the old and strange law does govern it, or whether they are of common occurrence, in which case it may be confidently predicted that it does not. It was really by reasoning of this kind, far more than by criticism of the statutes, that the claim of women to the Parliamentary franchise was so conclusively disposed of in 1868 (see *Chorlton* v. *Lings*, 17 W. R. 284); and those who heard the argument of the present Lord Justice Mellish, as counsel in that case, are not likely to forget the irresistible force with which such reasoning can be applied. Now, thanks to the facilities afforded by modern speculative commerce, absconding bankrupts are by no means uncommon, and if all their wives were entitled to be treated as *femes soles* the fact must by this time have become common legal knowledge whereas the great majority of practising lawyers probably never heard, at least since they commenced practice, of the doctrine of "abjuration of the realm." This would be enough of itself to create the greatest distrust of the decision of the county court, but further it is not difficult to answer the reasoning of the judgment. It being clear that the doctrine of abjuration only applies in the case of a compulsory absence where a return would be contrary to law, the judge holds a voluntary absence produced by fear of the consequences of the return, which the law not only does not forbid, but actually commands, to be within the rule. In expressing so strongly our opinion that the law is not as laid down in the county court, we must not be understood to imply that the law would be objectionable if it were so. In fact, however, any hardship in such cases is amply provided for by the desertion and protection clauses in the Divorce Act. We have reported *Wood* v. *Roberts*, as it may be useful for the references contained in it, but it may be well that our readers should put as a note against it, "See a decision of the C. P. to the contrary, 9 Bing. 292."

WE COMMENTED LATELY upon the Indian Evidence Bill, but chiefly with reference to the protest of the Bombay Bar against certain sections. We now desire to say a few words on the bill as a whole. It is a somewhat ambitious effort, inasmuch as its framers have endeavoured to produce a bill which shall not be open to the objections they urge against the English Law of Evidence—that it is destitute of arrangement—and at the same time shall be exhaustively comprehensive. The bill contains 169 sections, grouped in fifteen chapters, of which the first and second are the most interesting, as being the most novel. The first, or preliminary chapter, contains the definitions; among which we find that of "Evidence." "Evidence" is to include oral evidence, documentary evidence, and material evidence; "oral evidence" being "statements in relation to the facts under inquiry which the Court permits or requires to be proved;" documentary evidence being "all documents produced for the inspection of the Court;" and material evidence being "all material things other than documents, produced for the inspection of the Court." Having thus defined Evidence, the bill lays down that the Court is to form opinions by drawing inferences "(1) from the evidence produced to the existence of the facts alleged; (2) from the facts proved or disproved to facts not proved; (3) from the absence of witnesses who, or evidence which, might have been produced; (4) from the admissions, statements, conduct, and demeanour of parties and witnesses, and generally from the circumstances of the case." It will be noticed that by the third of the above subdivisions it is proposed to extend the *omnia presumuntur contra spoliatorem* principle far beyond its present limits in England. But certain inferences are termed by the bill "necessary inferences," and these the Courts are not to permit to be disproved. A "necessary inference" arises from some of those facts which in England we say operate by way of estoppel; but the term "estoppel" is by the bill confined to representations by one person upon which another has acted. "Facts," "facts in issue," and "collateral facts" having been respectively defined, the bill goes on to state what facts are to be relevant, and then treats of the proof of facts. A fact is to be "proved" when "the Court, after hearing the evidence respecting it (1) believes in its existence; or (2) thinks its existence so probable that a reasonable man ought, under the circumstances of the particular case, to act upon the supposition that it does exist." What is "a reasonable man" is not defined. He is to exist, like the *bonus paterfamilias* of the Roman law, as an ideal standard *in gremio legis*.

Judicial notice, burden of proof, the distinction between primary and secondary evidence, the administration of oaths to witnesses, the procedure in the examination of witnesses, are all dealt with *seriatim*. With the exceptions of the sections relating to cross-examination upon which we animadverted in our last, the Select Committee do not seem to have ventured upon any very startling alterations of the rules of evidence as they now stand in India; but, of course, there are several provisions in the bill which are very unlike the English law; *e.g.*, a witness is compellable to answer criminatory questions, although his answers cannot subsequently be used against him; husbands and wives may give evidence for or against each other in criminal proceedings taken against them respectively; a copy of an original memorandum may be used by a witness to refresh his memory; judicial notice is taken of books of reported cases, and of treatises on law published by authority; and previous convictions may always be proved against a person charged with a crime.

INHABITANTS' RIGHTS OF COMMON.

The peculiarity of the Plumstead case and the Tooting Graveney case, lately decided by the Lord Chancellor on appeal from the Master of the Rolls (*Warrick* v. *Queen's College, Oxford*; *Betts* v. *Thompson*, 19 W. R. 1098), was the fact that various rights of common appeared by the court rolls to have been exercised from time immemorial, not only by the freeholders, but also by the inhabitants, as such, of the parishes wherein the manors of Plumstead and Tooting Graveney are respectively situate. The entries in the court rolls in both cases sufficiently indicated that the rights in question were to be regarded as belonging to the inhabitants and parishioners generally, and not merely to the freeholders of the respective manors. The word "inhabitant," we may observe, in passing, has no settled meaning (*R.* v. *Mashiter*, 6 Ad. & El. 153), but must, according to Mr. Justice Littledale in that case, be taken according to the subject-matter, and be explained as circumstances will allow, sometimes by usage, sometimes by the context or object of a charter. (See *Attorney-General* v. *Forster*, 10 Ves. 339).

The existence of this class of persons in a manor, *with a share of the common rights enjoyed by the freeholders*, is an anomaly requiring explanation. An inhabitant, whatever may be the precise legal meaning of the word, or a parishioner, who is neither a freeholder nor a copyholder of the manor, cannot, properly speaking, be entitled as such to any rights of common upon the waste of the manor. He cannot claim such rights by custom, for there cannot be a custom for an inhabitant, as such, to have a profit *à prendre* in the soil of another (*Gateward's case*, 6 Rep. 596), and a parishioner, as such, is under exactly the same disability, seeing that it is a universal rule that a custom to have a profit *à prendre* in the soil of another, in this case the waste of the manor, the fee simple of which is vested in the lord, is bad (*Grimstead* v. *Marlowe*, 4 T. R. 717); neither can he claim by prescription, seeing that prescription implies a grant, and inhabitants, being incapable of taking by grant (*Constable* v. *Nicholson*, 11 W. R. 698), unless incorporated, cannot prescribe.

But the fact remains that in many manors a class of persons styled inhabitants or parishioners, not being freeholders or copyholders, have exercised from time immemorial various rights of common. How is this to be accounted for? It is stated by Scriven (on Copyholds, i. 524) that rights of common are in many places illegally exercised by the inhabitants generally; for it is a settled rule of law that, although inhabitants may prescribe for an easement—as a right of way to a church or a market—yet that commonable rights cannot be claimed in respect of inhabitancy only, as we have already shown. But when so exercised, he adds, it may probably, in frequent instances, be traced to an ancient usage, as appurtenant to curtilages or lands on which houses have been built, or to the equitable title of the parishioners at large under some deed of settlement to trustees for their benefit.

According to the Lord Chancellor in *Warrick* v. *Queen's College, Oxford*, a grant of these rights must be presumed to the freeholders to whom the freehold soil was granted. Their rights would, of course, be exercisable upon the land by their tenants, and this body of inhabitants who are constantly mentioned in the court rolls must have taken in some way from the original freeholders, and exercised the privileges taken in the first instance by them from the lord of the manor. The exercise of these rights by the inhabitants or parishioners of the manor or parish wherein the manor is situate is therefore in most instances to be accounted for on the supposition that the rights belonged originally to the freeholders of the manor, and were exercised, and in time appropriated, by tenants and others occupying and interested in the soil through or under them. This supposition seems to involve an assumption. In all probability the *actual* origin of these inhabitants' rights is to be searched for far earlier than any of the sources contemplated by the black-letter lawyers—viz., in the old "village community" described in Mr. Maine's recent work, and by Professor Nasse and others—before the Mark had become changed into the Manor.

In the Plumstead case there were no copyholders: In the Tooting Graveney case there were, but they were not made parties to the suit. In both cases the bill was filed by one or more freeholders on behalf of their class generally to establish their alleged common rights, and the same objection was taken as in the Berkhamstead case (*Smith* v. *Earl Brownlow*, 18 W. R. 271), namely, that there can be no bill on behalf of freeholders as a class, by reason of their claim being by prescription, which implies a separate grant in each case. It is obvious that if this argument were to prevail no bill on behalf of freeholders as a class could be maintained, unless possibly for common appendant for beasts of the plough, but each freeholder would be put to his action at law in assertion of his particular rights. In *Smith* v. *Earl Brownlow* (*sup.*), however, the Master of the Rolls held that a suit for the purpose of establishing rights of common over the waste of a manor might be maintained by a copyhold and freehold tenant of the manor on behalf of himself and all other freehold and copyhold tenants, although the rights of the former might not be exactly co-extensive, on the principle upon which bills of peace are supported, namely, that under the decree the same relief can be worked out as only a multitude of separate actions at law could give (*Mayor of York* v. *Pilkington*, 1 Atk. 282). In *Warrick* v. *Queen's College, Oxford*, the Lord Chancellor held that a decree could be made in favour of the plaintiff and the freeholders as a class, although each freeholder might have a different right, under which decree all the various rights of common might be established; it being a reasonable mode of accounting for the rights being exercised by every freeholder to assume that each grant was with such privileges as were granted to the other freeholders. An instance of such a grant is given in the note to *Earl of Dunraven* v. *Llewellyn* (Williams on Real Property, 9th ed. p. 463). Nor does this assumption seem a violent one, when we consider that the law assumes a grant to have been made as the foundation of every prescriptive right, the fact being that where a right is shown to have existed from time immemorial, the law is bound to find a legal origin origin for it, and has chosen to do so in that manner.

The reader will observe the *dictum* of the Lord Chancellor, that persons having a common right, though with differences *inter se*, may join, in the first place, in attacking a common enemy, just as several classes of shareholders having different rights *inter se* may unite in attacking a fraudulent director. It will scarcely be possible after this to rely on the objection of misjoinder, which was so much insisted on in the *Berkhamstead case*.

The decisions in the *Plumstead case* and the *Tooting Graveney case* are of great value to those who are fighting the battle of open spaces in different parts of the country. These cases establish in effect the right of a single freehold tenant of a manor, even one who has on a former occasion, as in the *Plumstead case*, refused to be admitted, to a decree, through which in most cases the public will get what they want—viz., the open spaces preserved.

THE TRIAL OF KELLY.

The trial of Kelly, at Dublin, for the murder of head constable Talbot, has given rise to an interesting discussion upon an important question of evidence. Mr. Butt, the counsel for the accused, claimed to be permitted to show that Talbot's death ensued not in consequence of the wound alleged to have been inflicted by Kelly, but in consequence of the unskilful and reck-

less manner in which the wound was treated by the medical men who operated on the deceased, with a view of removing the bullet, which they supposed to be lodged in his head. Much learning and ingenuity, and a good deal of warmth, were bestowed on the argument, both on the side of the Crown and of the prisoner, but there is really little doubt as to the law applicable to the case.

If there is one legal maxim better established than another, it is that we are all responsible for the natural or probable consequences of our own acts. Thus a person who deliberately fires a gun into a densely packed crowd would rightly be held guilty of the murder of any one whom his wanton carelessness might kill. Malice in such a case would be presumed to exist, and the death of the victim would rightly be considered to be the natural if not necessary consequence of the act done. So, again, one who maliciously shoots at another and gives him a dangerous wound is guilty of murder, if the wound, within a year and a day, results in death. Nor is he the less guilty because the wound may not have been treated with the highest possible medical skill. It is enough if the best available means of cure are adopted. Such is the rule laid down in *Reg* v. *Pym*, by Erle, J. (1 Cox. Cr. Cas. 339), and it is both just and reasonable. It would be inequitable and absurd to acquit a criminal against whom malice aforethought was fully proved, and who, beyond all question, meant to kill his victim, just because it might happen to be within the range of possibility that a different mode of treatment from that actually adopted might have averted death. If such a plea were admissible, any wound except one which should cause instantaneous death might be inflicted without entailing criminal responsibility on the person inflicting it. It is true, as Mr. Butt pointed out, that there is an ambiguity about the word "dangerous," as applied to a wound; and we apprehend that, in a doubtful case, whether a wound is "dangerous" or not is a question for the jury. If it is found to be dangerous, then no evidence as to the *degree* of skill used in endeavouring to cure it ought to be admitted. The wound was likely to cause death and was intended to cause it. The treatment of the wound, therefore, though injudicious, ought not to exonerate the person who deliberately inflicted it from the consequences of his act. If, on the other hand, the wound be not "dangerous," then evidence of unskilful treatment becomes material and relevant as showing that the real cause of death was not the wound but the *mala praxis* of the surgeons who attempted to cure it. Lord Hale distinctly recognises the difference between the two cases. He says (1 Hale P. C. 428). "It is sufficient to constitute murder that the party dies of the wound given by the prisoner, although the wound was not originally mortal, but became so in consequence of negligence or unskilful treatment; but it is otherwise where death arises not from the wound but from unskilful applications or operations used for the purpose of curing it."

Now in Kelly's case the wound was unquestionably in itself dangerous to life (see Taylor, Med. Jur. p. 565); and to leave the question of danger to the jury would have been an idle form. Evidence therefore of the degree of skill used by Dr. Stokes was not admissible. Mr. Butt felt this difficulty, and accordingly directed his evidence to show that Dr. Stokes betrayed gross and reckless ignorance in operating on Talbot. This line of defence appears to us to be legitimate, even in a case where the wound was "dangerous," and if susceptible of proof should ensure the prisoner's acquittal. The distinction is that if the death of a man is caused by grossly erroneous medical treatment the original author of the violence will not be responsible; if, from mere want of the highest skill, then he will remain responsible because he has wilfully exposed the deceased to a risk from which there was practically no means of escape (Taylor, Med. Jur. p. 481). Thus, in *Macewan's case*, tried at Perth, in September, 1830, the prisoner was indicted for causing the death of a boy by hitting him a blow on the shoulder which dislocated the arm. It was proved at the trial that two days after the injury a quack bone setter was consulted, who pretended to set the arm. Inflammation ensued owing to the total want of skill displayed by the bone-setter, and the boy died in consequence. Lord Meadowbank, under these circumstances, directed an acquittal. So again in *Reg* v. *Kingshott* (tried at Lewes Summer Assizes, 1858), the prisoner was indicted for the manslaughter of a man whom he had bitten in the thumb during a quarrel. The injury was treated by an unskilful and unqualified person with an ointment which caused inflammation. This rendered amputation of the arm necessary, and the man died from the operation. Evidence was given that the original injury was slight, and, but for the application of the ointment, would probably have healed. On this evidence there was an acquittal. It will be observed that in both these cases the original injury was not serious, or in itself dangerous, and that the treatment was by persons not only unskilful but unqualified. The principle, however, is clearly applicable to the case of a dangerous wound, if *capable* of cure; nor is the circumstance that the treatment was by quacks in any way material. Unfortunately, duly qualified medical men are sometimes detected in gross and culpable blunders.

On the whole, therefore, it would seem that Mr. Butt was at liberty to tender evidence impeaching Dr. Stokes's competency as a surgeon altogether, although evidence directed to show he was not quite so skilful as other surgeons would have been properly rejected. His charge against Dr. Stokes, as we understand it, is that there was gross and ignorant recklessness in operating on Talbot at all, and he will invite the jury to believe that death resulted from that unnecessary and improper operation, and that the wound had nothing whatever to do with it. There can be no doubt, both on principle and authority, that this is a perfectly good defence if proved. From the report of the confused, and we must add discreditable, scene which took place in court yesterday, it is difficult to gather the exact terms in which it is proposed to charge the jury on this point. But it appears that it is probable the judges will hold that there is not even a *scintilla* of evidence of Dr. Stokes's *mala fides* or reckless ignorance, and will therefore decline to leave any question to the jury as to the propriety of the hospital operation. Such a ruling will be in accordance with *Reg.* v. *Pym* (*ubi sup.*), and, if there is *no* evidence which ought to be left to the jury of Dr. Stokes's absolute incompetence, will, we think, be upheld, if the result of the trial should render it necessary to bring the matter before the Irish Court of Criminal Appeal.

RECENT DECISIONS.

EQUITY.

JURISDICTION TO REMOVE BANKRUPT TRUSTEES—BANKRUPTCY ACT, 1869, s. 117.

Coombs v. *Brooks*, V.C.W., 19 W. R. 1002.

It is likely that the intention of the framers of the Trustee Act, 1850, was to enable the Court of Chancery to appoint a new trustee in all cases where it was expedient. In *Re Blanchard* (9 W. R. 647), however, the Lords Justices (Sir J. Turner and Sir J. L. Knight Bruce) held that the 32nd section of the Act did not extend to the displacing of trustees desirous to continue in the trust, and to the appointment of others in their place, even on the ground of alleged misconduct in the trustees to be displaced. As regards a bankrupt trustee, however, the Court of Chancery was enabled to remove him and appoint a new trustee in his place by the 130th section of the Bankrupt Law Consolidation Act, 1849,

which was not repealed by the Act of 1861 (*Re Heath*, 9 Ha. 616) and may still do so, according to the decision in *Coombs* v. *Brooks* (*sup.*), under the Bankruptcy Act, 1869, which enables "the Court," meaning thereby the Court of Chancery, to appoint a new trustee in substitution for a bankrupt trustee, whether voluntarily resigning or not, if it appears to the Court expedient to do so. The mere fact of a trustee having become bankrupt is not sufficient ground for removing him from the trust (*Re Bridgman*, 8 W. R. 598); and it has been decided in two cases (*Turner* v. *Maule*, 15 Jur. 761, and *Re Watts*, 9 Ha. 106), that bankruptcy is not incapability to perform the trust within the meaning of a power to appoint a new trustee in the room of one who shall "become incapable" to perform the trust. When, however, the trustee had not only become bankrupt, but had never surrendered, and had absconded and never since been heard of, Lord Justice Giffard appointed a new trustee in his room upon a petition under the Trustee Act, 1850, and the Bankruptcy Act, 1849 (*Re Renshaw's Trusts*, 17 W. R. 1035). It will be useful to make a note of the fact that the Court of Chancery has jurisdiction to displace a bankrupt trustee and appoint another in his room upon petition entitled in the matter of the Trustee Act, 1850, and the Bankruptcy Act, 1869.

Trustees' Power of Leasing.

Re Shaw's Trusts, V.C.W., 19 W. R. 1025.

In *Naylor* v. *Arnitt* (1 R. & M. 501), Sir John Leach is reported to have held that a trustee had power to grant a lease for ten years, where the will contained no power of leasing, and the purposes of the trust were not such as to render it necessary that he should have a power of leasing. Perhaps the object of the Master of the Rolls was rather not to disturb an existing arrangement than to make a precedent for trustees under such circumstances. At all events, the decision was disapproved by Lord Langdale in *Wood* v. *Pattison* (10 Beav. 541), and may now be regarded as overruled by *Re Shaw's Trusts* (*sup.*), where the Vice-Chancellor, being asked on a special case whether the trustees of the will, there being no power of leasing, were entitled to lease the real estate for any and what term, declined to answer the question. In fact, as a devisee in trust, with a power of leasing, cannot grant a valid lease, unless in conformity with the power (*Bowes* v. *East London Waterworks Company*, Jac. 324), so it would seem that a devisee in trust, without power to lease, cannot grant a lease at all, unless where the purposes of the trust render it highly expedient or necessary that he should do so, as in the case of a farming lease (*Attorney-General* v. *Owen*, 13 Ves. 555), where a reasonable term may be granted, according to the custom of the country.

The Statutory Lien for Costs on Property Recovered or Preserved—Jurisdiction.

Heinrich v. *Sutton*, L.J., 19 W. R. 1075.

A solicitor claimed to be entitled to a charge for his costs upon certain property "recovered or preserved" in a suit of *Jones* v. *Frost*, which he had been employed to prosecute. The claim was made at the Rolls, where the suit had been heard, but the chief clerk there dismissed the summons, whereupon the solicitor took out a summons in Vice-Chancellor Malins' chambers in a suit of *Heinrich* v. *Sutton*, relating to the same property, and pending before the Vice-Chancellor. The Vice-Chancellor made an order in chambers for a charge on the property. Upon motion to dissolve, the Vice-Chancellor held (19 W. R. 915) that the order was right, for that the words of the 28th section of the Act 23 & 24 Vict. c. 127, "the Court or judge before whom any such suit, matter, or proceeding has been heard or shall be depending," mean any branch of the Court, and enable any judge of the court to give a solicitor a charge for his costs upon property recovered or preserved in a suit, as well as the particular judge before whom the suit had been heard or was depending. The Lords Justices, however, were of a contrary opinion. It will be admitted that such applications as these ought, on the ground of convenience, to be made to the judge before whom the suit has been heard or is pending; but the course taken by the solicitor was owing to the peculiar language of the 28th section, "the Court or any judge," and makes it seem hard that his application, instead of being dealt with on the merits, should have been dismissed with costs on the question of form. It would seem from the observations of Lord Justice James that "the Court" in the 28th section means the Court of Common Law, where the proceeding is at law, and has no reference to the Court of Chancery, as the solicitor contended and the Vice-Chancellor held. It is a pity that the language of the section was not made a little more perspicuous. However, it is now settled that in the case of proceedings in Chancery the application for a charge for costs can only be made in the particular branch of the court where the proceedings were had or are pending.

BANKRUPTCY.

Bankruptcy Act, 1870, s. 13—Injunction—Staying Proceedings.

Ex parte Mills, re Manning, C.J.B., 19 W. R. 912.

This case throws light upon the proper course to be taken, where one of several partners becomes bankrupt, or his affairs are in liquidation, and legal proceedings are pending against all the partners. In the case of *Ex parte Isaacs, re De Vecchi* (19 W. R. 38), the principle upon which any such question must be decided was clearly explained. "It would be unjust to restrain proceedings against one debtor because the other had filed his petition for liquidation for arrangement." And it was in that case laid down that in such a case proceedings against the joint debtor would not be restrained," unless indeed the proceeding was one which could be restrained as against the single debtor, leaving it to go on against the other person." In the case now under consideration the Lords Justices again refused to restrain proceedings in an action against partners, the affairs of one of whom were in liquidation. But they granted an injunction, restraining the plaintiff in the action from taking any proceedings against the property of the partner whose affairs were in liquidation.

Execution Creditor—Priority—Seizure before Act of Bankruptcy.

Ex parte Rock, In re Hall, C.J.B., 19 W. R. 677; L. C. & L. J.; 19 W. R. 1129.

In this case Bacon, C.J.B., expressly decided certain propositions to be law, which it has long been plain, ever since *Ex parte Veness*, 18 W. R. 979, he considered to be so; but which we have always ventured to deny. He held that although an execution creditor has seized the goods of a bankrupt before any act of bankruptcy committed; still, if an adjudication subsequently intervene before he has obtained the proceeds, the title of the trustee to the goods or other proceeds must prevail over that of the execution creditor. And he held further that the mode of giving effect to this was by an injunction restraining the execution creditor from proceeding with his execution. All these theories have now been exploded. The full Court of Appeal, reversing the Chief Judge's judgment, have decided, as had the Court of Exchequer before them in *Slater* v. *Pinder* (19 W. R. 778), that where the seizure in execution precedes the act of bankruptcy, the execution creditor's title prevails over the trustee's. They have decided further that the object of an injunction is to preserve rights, or protect property pending the decision of conflicting claims, not to create other rights, and that therefore when an execution creditor has perfected his right by seizing before an act of bankruptcy, no injunction afterwards granted can deprive him of his right.

REVIEWS.

The Law and Science of Ancient Lights. By HOMERSHAM COX, M.A., Barrister-at Law. Second Edition. London: Sweet. 1871.

The changes which that branch of the law of easements which relates to lights has undergone within the last few years, owing to the judicial recognition (somewhat tardily) of the full creative effect of the Prescription Act (2 & 3 Will. 4, c. 71, s. 3), in regard to this easement, as well as its destructive effect in regard to the custom of London, which permitted structures of indefinite elevation to be raised on ancient foundations within the city, together with the important doctrine as to the effect of alteration of lights which was set at rest by the decision of the House of Lord in 1865, in the case of *Tapling* v. *Jones*, would have sufficed to make a treatise acceptable which brought together the most recent cases on the subject. Mr. Cox has, however, in the little volume before us, aimed at more. Recognising that the main subject of interest in the inquiry is to know what amount of interference with the ancient right will generally ground a title to legal redress, either at law or in equity, he has justly, we think, considered that it is highly important to ascertain with precision the extent of the injury experienced or apprehended. The published investigations, "he tells us," on the subject are very imperfect, and some of them show a ludicrous ignorance of well established principles of optics. "The evidence of the persons who by legal courtesy are called 'experts' is often absolutely worthless; and in various papers read before learned societies respecting this subject the methods of calculating obscuration are so utterly erroneous that they fail to give even approximately accurate results." Moved by these considerations Mr. Cox, after dealing with the case law in the first or legal part of the present edition, has, he informs us, been able to devise and calculate tables from which the obscuration produced by buildings, whatever their form and position, can be computed with sufficient accuracy by a very simple arithmetical process.

In his introduction the author gives us a slight sketch of the Roman law of servitudes, but his statements are calculated to raise an inaccurate conception on this subject. The term servitudes (*servitutes*) in that law was of much more extensive import than Mr. Cox's statements would imply, comprehend ing such as were *personal* as well as *prædial*; the former *inter alia* embracing that important branch of rights known in Roman law as *usufructs*, and which would, according to Roman notions, have comprised an interest analogous to that of a tenant for life, of either real or personal property, in our own law. The latter or prædial, which is treated by our author as if it were the genus, is only a species, and is itself subdivided into urban and rural. With regard to this subdivision, too, it should be remembered that it does not necessarily import that an urban servitude could only subsist in reference to buildings within a city or town, though its nominal derivation is referable to the necessity for it having originated in such localities. It properly signified, however, a right which subsisted in reference to an *ædificium* or *superficies*—anything raised upon the soil—whether situate in town or country. Again, we think Mr. Cox has erred in translating the passage he cites from the institutes of Justinian, as to urban servitudes, as if it referred to a single servitude restraining a man from raising his house in height lest he should darken the windows of his neighbour. No doubt that was one mode by which lights could be darkened, but we think it is clear from many passages of the Roman law that there was a servitude "*ne altius quis tollat des suas*, as well as one, *ne luminibus vicini officiat*," and that there were other reasons for preventing a man's raising his house besides the protection of his neighbour's lights, and modes of obstructing light other than by heightening contiguous buildings.

In the four chapters of the first part of the work, which are devoted to the investigation of the present state of our law on this head, the subject is considered under the divisions of—1. The nature and extent of the right to light. 2. The creation of the right. 3. The extinguishment of the right. 4. The remedies for infractions of the right. This part of the treatise occupies ninety pages, and we see no reason to dispute the claim made by the author in his preface, that every important modern case on ancient lights is noticed in these chapters. At least, we think, that whoever may have to form a judgment on the present state of this branch of our law may here find, if not the necessary material, at least an indication of the sources whence the same may be drawn.

In the second part, which treats of the optical principles, Mr. Cox starts with the rule that in estimating the injury to ancient lights, Courts of justice consider the obstruction not of direct solar rays, but of the general light of the sky, which, for this purpose, is considered to be uniformly illuminated. We need not discuss the method by which the author, by means of certain formulæ and diagrams, establishes the propositions or theorems on which his tables are founded; but it it unnecessary to say that any calculations of this kind, worked out by so eminent a mathematician as Mr. Homersham Cox, must be invaluable. In reference to the great difference, in the illuminating effect, of those rays of light which are oblique, and those which are perpendicular, to the plane of the aperture for receiving them—which lies at the root of the whole inquiry—he shows that the breadth of a beam of light (and therefore its optical effect) is diminished in proportion to *the sine of the angle at which the rays are inclined to the aperture.* The application of this principle, and of others which are evolved in the four first sections, results in the formation of table A, by which "the obscuration and illumination due to obstacles of unlimited length," on an upright or vertical plane, are tabulated. And here we are strikingly made aware of the rapid obscuration which follows from the increase of the angular elevation of the obscuring object. The zenith distance being the complement of the angular elevation, and the measure of the non-obscured portion of the sky, which, therefore, can alone exert an illuminating effect. Under the circumstances above indicated, if the angular elevation of the object be 30 degrees, one half of the total light will be obscured; if 45 degrees seven-tenths; while at 80 degrees 98 rays out of every 100 of the full light will be lost. We see by this how small is the illuminating effect on a vertical plane of the upper portion of the sky, or that contiguous to the zenith. Table B is constructed on the same principles, but for convenience is framed to show the "relative illuminating effect of every 10 degrees of sky measured from the zenith." Section 5 investigates the effect of obstructions of limited length, and results in table C, which shows the "obscuration by obstacles of uniform angular width and height." This is applicable to the measurement of the obscuration of objects, which (unlike those to which tables A and B are applicable) are not of unlimited length, or so long as to be practically the same in effect. Section 6 discusses the effect of obstacles of variable altitude, and gives us table D of "Obscurations by parts of structures 5 degrees in width." The object of this is to measure the darkening effect of obstacles of irregular angular altitude and width. Section 7 explains the effect of lateral obstructions of indefinite length, where the base is at right angles to the window. Section 8 treats of the effect of near obstructions, and gives rules for calculating the effect in reference to the area of the window or receiving aperture, all the previous computations and tables having been based upon the assumption that the aperture to be illumined was only a small opening. The rules given for this purpose are very simple when the obstacle is of uniform height and indefinite length, and the operations are performed by common arithmetic; but in the case where, from the distance of the obstacle, greater accuracy may be required, it is necessary to resort to angular measurements, and a method is indicated of obtaining the required result, by means of a table E of cosines, which concludes the work.

The book is one which professes rather to deal with the principles than to exhaust the details of law. It is a truly scientific work, and can be recommended to lawyers; architects, too, might derive from its pages a knowledge which will enable them to leave no work for the lawyer, by building so as to infringe no easement.

IRON SAFES *v.* BRICK VAULTS.—There is, perhaps, no class of men more interested than attorneys in knowing the best way of preserving papers and other valuables from destruction by fire. We have just passed through an experience unequalled in the history of the world, and we feel compelled to say to our readers, put not your trust in iron safes. Brick vaults are undoubtedly the safest protection, all things considered, against fire yet known. In very few instances, where brick vaults were properly constructed, even in our late terrible fire, did they fail to protect the treasures committed to their charge. Vaults should be constructed upon the ground, and not upon stilts, as were some that came under our notice. Stone is too liable to crack, and crumble with the heat, to be used with safety for vaults.—*Chicago Legal News.*

COURTS.

COURT OF CHANCERY.

MASTER OF THE ROLLS.

Nov. 10.—*Cholmondeley* v. *Phelps.*

County court equitable jurisdiction—Suit to secure annuity.

This was a suit to secure an annuity of £30 charged on a copyhold estate *pur autre vie* and recover payment of the arrears.

H. A. Giffard, for the defendant, on the question of costs submitted that the plaintiff was entitled only to such costs as he would have obtained in the county court. The County Courts Equity Act, 28 & 29 Vict. c. 99, enacts by section 1, clause 3, that the jurisdiction in equity shall be exercised in county courts in all suits for foreclosure or redemption, or for enforcing any charge or lien, where the mortgage, charge, or lien shall not exceed five hundred pounds.

Cozens Hardy, for the plaintiff, in reply, contended that the foregoing clause only applied to charges for a gross sum. If it extended to the suits to secure the growing payments of annuities, there would have to be an actuarial investigation in order to determine whether the subject matter was under five hundred pounds.

Lord ROMILLY, M.R., thought that the suit might have been brought in the county court, but the question was not so clear as to disentitle the plaintiff to the ordinary costs.

Decree as in *Newland* v. *Ayling*, Seton 280, with the ordinary costs.

Solicitor, *Sharpe, Perkins, & Co.; Reed, Philps, & Sedgwich.*

VICE-CHANCELLOR WICKENS.

Nov. 8.—*Hill* v. *Hill.*

Practice—Service of traversing note—Appearance entered for the defendant by the plaintiff—General Orders III. *rules* 4 *and* 6, *and* XIII.

Where the plaintiff has entered an appearance for the defendant, leave will be granted for service of the traversing note on the defendant.

Speed moved for leave to serve a copy of a traversing note on the defendant; the General Orders XIII. 5, and III. 4 and 6, not providing for the case where the plaintiff has entered an appearance for the defendant, the position in the present suit. He referred to *Horlock* v. *Wilson* (12 Beav. 545) a case under the old order.

The Vice-Chancellor made the order.

Solicitors, *Merriman & Pike.*

Nov. 9, 1871.—*In re Woodcock's Settled Estates.*

*Practice—Interim investment—Accountant-General—*19 & 20 *Vict. c.* 120, *s.* 25.

The Accountant-General is not bound to invest money paid in under the leases and sales of Settled Estates Act, without the request of the solicitor.

This was a motion for leave to bring an action against the Accountant General of the Court of Chancery, for damages for not having invested a sum of £1,200 arising from the sale of certain settled estates. On the 22nd of December, 1865, an order, which contained the usual directions for investment, was made for the payment of the above sum into Court, and the sum was in pursuance of the order, paid in early in 1866.

The 25th section of 19 & 20 Vict. c. 120, provides that until money can be re-invested in land it shall be invested in Exchequer bills or Bank Annuities, but from the evidence furnished on behalf of the Accountant-General it appeared that the solicitor, having the conduct of the matter, should in the ordinary course of practice have left a written request to have money invested. This had been omitted.

Hinde Palmer, Q.C., and *Langley*, with him, in support of the motion, contended that the 25th section of the Act imposed a duty upon the Accountant-General; and that the practice of the office was not authorised by the statute or by any order of the Court; the general practice of not making investments except on request, was recognised in the Legacy Duty Act, and the Trustee Relief Act, and the orders made under it, where the Accountant-General was directed to invest without any formal request, but in those cases no special order for investment was made. Here there was a particular direction to invest.

Dickinson, Q.C., and *Methold*, for the Accountant-General, were not called upon.

WICKENS, V.C., said that the investment directed by the 25th section of the Act of money paid to the Accountant-General could only be intended to be made in accordance with the rules of the office; the orders of the Court did not require the immediate investment in Consols, and the practice of the Accountant-General's office of requiring an application from the solicitor was distinctly recognised by those orders. The course was convenient, for it could not be contended that any person was bound to have the money invested, and supposing that an immediate re-investment in land was in contemplation, the temporary investment in Consols might be actually disadvantageous to the persons interested. The motion against the Accountant-General was a mere experiment, and must be refused, with costs.

COURT OF BANKRUPTCY.

(Before Mr. Registrar ROCHE.)

Nov. 2.—In the course of proceedings in a case,

The REGISTRAR complained that in almost every case of public examination the solicitors had neglected to file the proper papers, and stated that in all such cases in future he should adjourn the examination, and make the solicitors or trustees, as the case might be, personally liable to the costs.

COUNTY COURTS.

WESTMINSTER.

(Before F. BAILEY, Esq.)

Oct. 31.—*Re Chiapini.*

Married Women's Property Act, 1870, *ss.* 2, 9—*Money in savings' bank.*

A husband handed to his wife his weekly earnings, which were with his consent deposited by her in her own name, in a savings' bank. A protection order having been obtained by the wife,

Held, that under section 2 *of the Act she was entitled to have the money paid out to herself, although the intention of the husband had been that it should be a fund for household expenses.*

An application was made by Mary Chiapini for payment of moneys deposited in a savings' bank in her name.

Mr. R. Willes for the applicant.

Mr. H. C. Templeman for the husband.

It appeared from the facts of the case that the applicant's husband was a waiter, and that he had from time to time, since the passing of 33 & 34 Vict. c. 93 (Married Women's Property Act) handed over to his wife, the plaintiff, his weekly earnings, with the intention that they should be applied towards the expenses of their living. A sum of £15 so handed over had been deposited by her in a savings' bank in her own name, and on the 22nd September, 1871, she had obtained a protection order which the magistrate refused to set aside. She now applied under sections 2 and 9 of the Married Women's Property Act, for payment of the sum of £15 deposited as above.

Mr. BAYLEY said it was a very hard case upon the husband that he should be deprived of his earnings in this way, but that as the deposit had been made by the wife by means of moneys of her husband, and with his consent, he was obliged in conformity with section 2 of the Act, to make the required order.

Order for the applicant.

WOOLWICH.

Nov. 2—*Crout* v. *Haslett.*

Collision between plaintiff's boat and defendant's yacht.

Held, that the case was an Admiralty case, and therefore not prosecutable in this court.

In this case Mr. PITT TAYLOR delivered the following judgment:—

This is an action in which the plaintiff seeks to recover damages for an injury caused to his boat by a collision with the defendant's yacht. The accident occurred on the Thames: within the district of this court, if the cause can be tried at common law; within the district of the City of London Court, if the cause be an admiralty cause. I purposely make use of this alternative language because, although I am aware that a different opinion prevails in some quarters,

I am myself satisfied that a *concurrent* jurisdiction cannot be recognised by law in this matter. I am not now alluding to the jurisdiction of the superior courts of law, but simply to the powers vested in the county courts, and I am guided and controlled in my judgment by the express language of the Legislature. On turning to the County Courts Admiralty Jurisdiction Act, 1868 (31 & 32 Vict. c. 71), I find, in section 5, that as soon as a county court is appointed to have admiralty jurisdiction within any district "no county court, other than the county court so appointed, shall have jurisdiction within that district in any admiralty cause," and the term "admiralty cause" is defined by section 3 as including all the causes enumerated therein. If then, this particular cause be one embraced in that category, *cadit quæstio*; this court has no power to interfere. The above language appears to me so plain that it does not require to be fortified by any reference to the absurdities which might arise were a contrary law to prevail; but still it may be well to bear in mind what an unseemly spectacle of justice would be exhibited if, in a case of collision, cross actions could be brought in two different courts, governed by different rules, and constituted in different ways, the one judge "assisted by two nautical assessors," the other attempting to guide a jury of five landsmen in accordance with his unaided instincts.

Having thus shortly stated the grounds on which I decide that county courts which have, and those which have not, admiralty jurisdiction, cannot exercise *concurrent* authority over the same classes of cases, I come to the more important question whether the City of London Court has jurisdiction over the cause before me. This depends on the meaning of the words "any claim for damage by collision," which will be found in the 3rd section of the Act as constituting the subject-matter of one of the admiralty causes therein mentioned. Now these words are capable of receiving at least four different interpretations—(1) They may be confined to collisions between two ships; (2) They may include the case of a ship damaged by a boat; (3) They may include the case of a boat damaged by a ship; and (4) they may include the case of a collision between two boats. At one time an attempt was made to give them the last and widest interpretation, and a county court judge with admiralty jurisdiction was invited to try a cause when the litigants were the respective owners of two dumb barges—that is, barges solely propelled by oars, which had run into each other on the Thames. A prohibition, however, was granted by the Court of Common Pleas, on the ground that the admiralty jurisdiction of the county court over cases of collision was certainly not larger than that of the High Court of Admiralty, and that that Court had no power to deal with a collision which should happen within the body of a county between two dumb barges, such barges being neither "ships" nor "seagoing vessels" within the meaning of the 6th section of the Admiralty Act of 1840 (3 & 4 Vict. c. 65): *Everard* v. *Kendall*, 18 W. R. 892, L. R. 5 C. P. 428. This decision was doubtless right, but unfortunately the learned judges, not content with simply disposing of the question before them, were tempted to express more or less strong opinions that the "collision" mentioned in the Act of 1868 meant "a collision between two ships." Opinions coming from such a quarter, though technically they amount to mere *obiter dicta*, are of course entitled to great weight, especially when they are brought under the notice of an inferior tribunal; but still they have no binding authority, and I trust I shall avoid the charge of presumption if I venture, on grounds which I shall presently mention, to question their correctness in this instance. The statute was passed to confer on certain county courts admiralty jurisdiction, and the language employed in it ought in my judgment, to be interpreted as it would be were it found in any Act relating to the High Court of Admiralty. Then, if this be a sound canon of construction, the word "collision," as used in the 3rd section of the Act of 1868, must mean any collision which the High Court of Admiralty would have power to investigate. Thus far the learned judges would probably agree with me, for they actually did decide that the term could not have a *wider* interpretation in the county court than in the superior court, and one cannot easily imagine any intelligible reason why it should be held to have a *narrower* interpretation. But the error, if I may use the expression, into which the judges appear to have fallen, has arisen from a misapprehension respecting the real limits of admiralty jurisdiction. Such a question is one with which Common Law Judges are not necessarily familiar. In the case under discussion, the legal arguments were not of a high order of merit, several of the leading authorities were not alluded to at all, and those cited were calculated to mislead. For instance, the case of the *Bilboa*, Lush. Adm. R. 152, was quoted to prove that the Admiralty Act of 1840, by section 6, did not give the Court of Admiralty jurisdiction over damage done by a ship to a barge within the body of a county, the words of that section applying to "damage received *by* any ship or sea-going vessel." This was true enough, but the inference which the court was left to draw from the case, viz., that the jurisdiction of the Admiralty Court continued thus limited in 1868, was altogether illusory. The facts were these: The case of the *Bilboa* was decided in 1860, and the following year an Act was passed (24 Vict. c. 10) to extend the admiralty jurisdiction, the effect of which was entirely to neutralise the authority of that case. Section 7 of the Act is in these words: "The High Court of Admiralty shall have jurisdiction over any claim for damage done by any ship." This Act came into operation on the 1st of June, 1861, and in the year 1862 an opportunity arose for putting a legal construction on the language just cited. The *Malvina*, a screw steamer contrived to sink the *Mystery*, a barge laden with sugar on the Blackwell beach, and a suit in the Admiralty Court was the consequence. Thereupon the defendant put in a plea that the barge was not a ship or seagoing vessel, and that the collision took place within the body of a county; but this plea was rejected by Dr. Lushington. On appeal to the Privy Council the judgment was affirmed, Lord Romilly, M.R., emphatically declaring that the effect of the then recent statute was to confer on the Court of Admiralty the utmost extent of jurisdiction in all cases of collision. See the *Malvina*, Lush Adm. R. 493, Browning & Lush R. 57, s.c. in Pr. Co., 11 W. R. 576. I might cite several other decisions and statutes which more or less support the same doctrine, as for example, the *Uhla* referred to by Sir Phillimore in 3 Mar. Law Cas. 40; the *Sylph*, *id.* 37; the *Explorer*, *id.* 507; the *Sarah*, Lush. Adm. Rep. 507; *Ex parte Ferguson and Hutchinson*, 1 Mar. Law Cas. N. S. 8; 32 & 33 Vict. c. 51, s. 4 and 30 & 31 Vict. c. 114, s. 29, Irish. But, after all, the *Malvina* is amply sufficient for my purpose. It was not alluded to in the Common Pleas. Its high authority has never been doubted, and it appears to me to settle the question. The plaintiff cannot prosecute his claim in this Court, but must proceed, if at all, before Mr. Commissioner Kerr.

Birmingham.

(Before R. G. Welford, Esq., Judge.)

Oct. 8, 25.—*Wood* v. *Roberts.*

In 1865, *defendant's husband was bankrupt in Scotland, and, having made default of appearance to be examined on Scotch bankruptcy process, a warrant was issued for his arrest, but he evaded arrest by absconding from the United Kingdom. He never again returned, and defendant subsequently obtained a divorce from him upon substituted service under the rules of the Divorce Court.*

Defendant being now sued by a solicitor whom she had employed in the divorce suit, for his bill of costs,

Held, that the circumstances amounted to an abjuration of the realm by defendant's husband, and consequently that defendant was, as a feme sole, *liable to plaintiff.*

Mr. Edwards-Wood, solicitor, sued Mrs. Jane Roberts for £8 7s. 10d., the amount of bill of costs in respect of proceedings in the Divorce Court. The defendant pleaded coverture.

Mr. Maher for plaintiff, said undoubtedly the plea of coverture was a bar to any action against a married woman, but here the defendant's husband had abjured the relation or gone into exile; and that circumstance, if satisfactorily proved, restored the plaintiff to his original rights, as if the defendant were unmarried. Defendant's husband, some time ago, went to Edinburgh, and became insolvent, he failed to surrender to the sequestration, and a warrant was issued for his arrest. After his failure to surrender he absconded to Australia, and he wrote a letter from Melbourne to a friend in England, stating that he was off to San Francisco.

Mr. Welford, said the question was whether voluntarily leaving the kingdom, and not being transported, was an abjuration of the realm, or equivalent to it.

Mr. Dale (from the office of Messrs. Duignan, Lewis, &

Lewis, of Walsall) for defendant, contended that it was not, and said abjuration of the realm did not exist.

Mr. Maher maintained that abjuration, transportation, or exile was civil death, and that in such instances there was absolute necessity that the woman in a suit for divorce should be able to contract with her attorney for her defence.

Judgment reserved.

Oct. 26.—Mr. Welford.—This is an action by Mr. Edwards-Wood against Mrs. Roberts for his bill of charges as an attorney in respect of proceedings taken on her behalf in the Divorce Court. Mrs. Roberts was then a *feme covert*, but she had not seen, nor had any communications with, her husband since September, 1863, when he deserted her. Her husband, in April, 1865, was resident in Scotland, under the name of Samuel Donslaw Williamson. On the 11th of April his estate was sequestrated, and one Malleson was appointed trustee of the sequestrated estate. This was a Scotch bankruptcy. The 28th of April was duly appointed for the public examination of the bankrupt, who failed to appear, and on the 29th of April a warrant was granted to apprehend him under the 88th section of the Bankruptcy (Scotland) Act, 1856 (19 & 20 Vict. c. 79). Under this warrant the bankrupt may be apprehended in any part of the United Kingdom. A duly certified copy of the warrant is in evidence. The bankrupt had in fact absconded to Australia, and on the 21st of March, 1865, he wrote a letter from Melbourne to Mr. Johnston, in Edinburgh, in which is this passage:—"Mr. Tod's action and the complexion things assume made me think it advisable to leave Edinburgh. I have settled my business here, and am going to San Fransisco in a few days." He then gives an address for letters at the General Post Office in San Francisco. The bankrupt has never been captured on the warrant, nor has he returned to the United Kingdon. Indeed, the defendant believed him to be dead. Nevertheless, she has since 1870, when the plaintiff's debt was incurred, obtained a divorce from the bankrupt—substitute service on him having been made according to the rules of the Divorce Court. Under these circumstances the question to be decided in this action is, whether the bankrupt must be taken to have become "an exile," or to have "abjured the realm," so as to render his wife liable to be sued at common law on her own contracts as a *feme sole*? In order to a decision, I will first dispose of the objection that "abjuration of the realm" has been abrogated by Act of 21 Jac. 1, c. 28. By that Act sanctuary in England was abolished, and thereupon abjuration, according to the forms then used in the case of offenders taking refuge in a sanctuary ceased. But whether the term "abjuration of the realm" or "exile" be still in use it is certain that there are conditions of absence from the realm on the part of the husband which will give his wife remaining in this country the power of suing and the liability of being sued, in her own name—and as a *feme sole*—upon her own contracts. Whether the conditions under which the bankrupt husband of Mrs. Roberts absented himself from the realm have given her in contemplation of law the status of a *feme sole* I will endeavour to ascertain. The cases on the subject seem to produce this general result, "that where the absence of the husband was voluntary, however far it may have appeared to be, or may have been from his intention to return to the realm, still such absence would not invest his wife with the legal attributes of a *feme sole* in this country. But where the abjuration or exile was such that the husband could not return to the realm, that it would have been contrary to law for him to do so, then the wife in this country must be treated as a single woman, and will therefore be capable of binding herself by her own contracts. To see whether this case falls under a voluntary or compulsory absence on the part of the defendant's husband, I will examine shortly the old law as to abjuration of the realm and exile, and the principle on which it is founded. Blackstone (4 Com. 332), after describing sanctuary, and how the accused person, by confessing and describing his offence before the coroner, and by oath abjuring the realm and engaging to depart at an assigned port, never to return, might obtain the opportunity of going abroad without personal punishment, adds, "But by this abjuration his blood was attainted, and he forfeited all his goods and chattels." Now the obvious reason why the wife of a person who had thus abjured the realm was enabled to sue in her own name, was that her husband had become what was designated civilly dead; that is, his civil right in this country had ceased to exist. Again, in Coke's commentary upon Littleton (132 b, 133 a) it is said:—"In some cases a wife hath ability to sue and be sued without her husband, for the wife of Sir Robert Belknap, who was exiled or banished beyond the sea, did sue out a writ in her own name, without her husband, he being alive." So Lord Coke says:—"King Edward the Third brought a *quare impedit* against the Lady of Maltravers, and she pleaded that she was *covert* of baron; whereunto it was replied for the King that her husband, Lord Maltravers, was put in exile for certain causes, and she was ruled to answer." In these and other cases of the same sort the husband was banished "or put in exile" without any formal sentence by any court, but merely by the will of the Crown, and was bound to remain there "until he obtained the King's grace." In each case of exile there were none of the disabilities implied by the term civil death, but the husband was out of the realm under a species of compulsion, and could not return without becoming liable to personal consequences of a penal character. But the reason for giving the wife the attributes of a single woman applied as much to the latter class of cases as to the former, *i.e.*, her husband being absent under compulsion, could not stand in the ordinary legal relation to her and her contracts as he would do when here, or might do if his absence was purely voluntary. Accordingly we find that the principle of the exceptions to the rule that the wife shall not sue without her husband, which had been extended to transportations, whether for life or for shorter periods. The case of *Carroll v. Blencow* (4 Esp. 27) seems to be a clear authority for the proposition that where the husband's sentence of transportation has expired, if, in fact he has not returned to this country, the right to sue alone remains in his wife. And Lord Alvanley in that case expressly held that, if the defendant in such an action by the wife meant to rely on the husband's return the proof of it lay on the defendant. It is said that transportation having been abolished—or at least discontinued—and that case cannot govern the present; but, inasmuch as the principle of the old law of abjuration and exile was applied to transportation, so I apprehend the same principle must be equally applied to new circumstances which involve the same consequences, as, for instance, to the case of the husband undergoing a sentence of penal servitude. Regarding the question in the present action by the light of the previous applications of the law, can it be held that Mrs. Roberts's case is brought within the exceptions I have referred to? I think it is properly so brought. I am of opinion that her husband is absent from the realm under circumstances which enable her to sue, and subject her to be sued alone. Her husband is a bankrupt, whose property of every kind has passed to his trustee. He has failed to attend on the day fixed for his public examination, and a warrant for his apprehension has consequently been issued. Under that warrant he may be arrested the moment he sets his foot in the United Kingdom, and the letter he wrote from Melbourne proves that he is fully aware of the legal, I may say the penal, consequences which will occur to him on his return, by reason of his flight from justice. His condition of exile is as complete as it can be made by anything short of a judicial or parliamentary sentence of banishment. As regards property, in his power over his wife's personal contracts his disabilities are as absolute as those of a man who, in the language of the old law, was held to be civilly dead. Upon reason and principle therefore I feel bound to hold that Mrs. Roberts, the defendant, is liable to be sued alone on the contract she has made with the plaintiff. There will be a verdict for the plaintiff. I have looked through the plaintiff's bill of costs (with the aid of the Registrar), and I think the sum of £3. 15s. is amply sufficient for the work done. For that sum the plaintiff will have a verdict.

APPOINTMENTS.

Sir John Duke Coleridge, Solicitor-General, has been appointed Attorney-General, in succession to Sir R. P. Collier. The new Attorney-General is the eldest son of the Right Hon. Sir John Taylor Coleridge (a judge of the Court of Queen's Bench from 1835 to 1858), by Mary, eldest daughter of the late Rev. G. Buchanan, LL.D., Rector of Northfleet. He was born in 1821, and was educated at Eton, and at Balliol College, Oxford, where he obtained a scholarship and graduated B.A. in 1842; but his name does not appear in the honour lists; he subsequently became a fellow of Exeter College. On the 6th of November, 1826, he was called to the bar at the Middle Temple, and im-

mediately joined the Western Circuit, also attending the Exeter and Devon sessions. In 1855, on Mr. (now Right Hon.) W. N. Massey becoming Under-Secretary in the Home Office, Mr. Coleridge was appointed to succeed him as Recorder of Portsmouth, which office he resigned in 1866. He was an unsuccessful candidate for the representation of Exeter in August, 1864, but was elected for that city in July, 1865, and was again returned at the general election in November, 1868. On the formation of Mr. Gladstone's administration, immediately after, he was selected for the post of Solicitor-General, and then received the honour of Knighthood. Sir John Coleridge has contributed various papers to the *Edinburgh Review* and other periodicals, and is a Vice-President of the Articled Clerks' Society. He married in 1846, Jane Fortescue, third daughter of the Rev. George Turner Seymour, of Faringdon Hill, Isle of Wight, by which lady he has a family of three sons and a daughter.

Mr. GEORGE JESSEL, Q.C., and M.P. for Devon, has been appointed Solicitor-General, in the room of Sir J. D. Coleridge, who has become Attorney-General. The new Solicitor-General is the youngest son of the late Z. A. Jessel, Esq., a merchant of Saville-row, London, and of Gortonhouse, Putney. He was born on the 13th February, 1824, and was educated at University College; he matriculated at the London University in 1840, when he occupied the second place in the mathematical examination. He graduated B.A. there in 1843, when he "passed with very distinguished merit," and received the University mathematical scholarship, and a prize in botany. In 1844, when he graduated M.A., he received the gold medal for mathematics. Mr. Jessel was called to the bar at Lincoln's Inn on the 4th May, 1847, and has practised at the Equity Bar; he was appointed a Queen's Counsel and a Bencher of his Inn in 1865. At the general election in November, 1868, he was returned to Parliament as member for Dover. In 1856, he married Amelia, eldest daughter of Joseph Moses, Esq., merchant, of Leadenhall-street.

Mr. JAMES OLLIFF GRIFFITS, Barrister-at-Law, and Recorder of Reading, has been appointed Junior Counsel at the Admiralty. Mr. Griffits is a native of High Wycombe, Bucks, being the son of the late Mr. John Griffiths, of that borough. He was born in 1821, and was educated at the local grammar school. He was called to the bar at the Middle Temple in June, 1848, and became a member of the Norfolk Circuit, but afterwards joined the Oxford. He formerly practised at the Berks sessions, which he discontinued on being appointed Recorder of Reading in 1870, on the resignation of Mr. Macnamara.

Sir HENRY SUMNER MAINE, U.C.S.I., late legal member of the Supreme Council in India, has been appointed a member of the Council of the Secretary of State for India, in succession to Mr. Elliot Macnaghten, resigned. Sir Henry Maine was called to the bar at Lincoln's Inn in June, 1850, and was for some years Reader on Jurisprudence and the Civil Law to the Hon. Society of the Middle Temple. He received the degree of LL.D. from the University of Cambridge, where he was formerly Regius Professor of Laws. In 1862, he was appointed legal member of the Council of the Governor-General of India, which office he resigned in 1869, when he was succeeded by Mr. Fitzjames Stephen, Q.C. He was last year appointed Professor of Jurisprudence in the University of Oxford, and was knighted by the Queen and received the badge of a Knight Commander of the Star of India soon after the last Queen's Birthday.

Mr. JAMES ARMSTRONG, Q.C., of the Canadian Bar, has been appointed Chief Justice of the island of St. Lucia, in the West Indies. Mr. Armstrong was called to the bar at Quebec in 1844, and was made a Queen's Counsel in 1867. The Chief Justiceship of St. Lucia is worth £700 per annum.

Mr. JOHN LANGSTON JONES, of Alcester, Warwick, has been appointed a Commissioner to administer oaths in Chancery.

Mr. Alfred Rooker, Solicitor, of Plymouth, is the Liberal candidate for the representation of that borough, rendered vacant by Sir R. P. Collier's appointment to a judgeship. Sir George Young, Bart., of the Equity Bar, was also a canditate, but retired after a test ballot had been taken, showing a preference for Mr. Rooker's candidature.

GENERAL CORRESPONDENCE.

FEES OF PERPETUAL COMMISSIONERS.

Sir,—You must pardon my being unable to agree with either "Rusticus" or yourself in your conclusions upon the question submitted at page 889 of your number for 14th October last.

I see no ground whatever for supposing that the commissioners are bound to certify to the acknowledgment of duplicate deeds for one fee; how are they to be satisfied that two deeds produced to them are duplicates? They cannot administer any oath on the subject; are they formally to compare one with the other? On the other hand, is not the case most probably provided for by the paragraph of the rules of Trinity Term, 1834, that "where the same married woman shall at the same time acknowledge more than one deed respecting the same property," a fee and a half shall be payable. I cannot help reading the case so. If I am right there would be for the first married woman (A.) 13s. 4d.; for the second (B.) 6s. 8d.; for the second acknowledgment by A. 6s. 8d., and for the second by B. 3s. 4d., total £1 10s.

In the very rare case involved in the second question the result would, I think, be the same, and would be worked out by the same figures as those I have above given.

Nov. 4, 1871. ANOTHER PERPETUAL COMMISSIONER.

Sir,—While I agree with you in your view of the question raised by "Two Perpetual Commissioners," may I ask—are not the rules very unhappily phrased? Suppose, for instance, half-a-dozen wives acknowledge the same deed, is only one fee and a half to be allowed. B. M.

Sir,—I cannot agree with the opinion expressed either by "Rusticus" or yourself (in your editorial note to his letter), as to the fees to be taken in the two cases in question; and, as you appear to differ from him although stating his opinion to be right, I venture to offer mine.

On a careful perusal of the Reg. Gen. Trin. Term, 1834, it appears to me that the fees in either case will be the same—namely, 13s. 4d. for the first acknowledgment, and 6s. 8d. for such of the other three acknowledgments; *i.e.*, £1 13s. 4d. to each commissioner. It is clear that under the rule, the full fee of 13s. 4d. is to be taken for the first acknowledgment only, and the difficulty felt by your correspondents appears to be whether a duplicate is to be treated as a *separate deed*, but the commissioners must satisfy themselves that it is a duplicate deed, and then will have to go through the same form of acknowledgment of it by the married women, so that they do in fact, according to the rule, acknowledge more than one deed respecting the same property, although it is a duplicate; à *fortiori* (as E. C. observes) are the commissioners entitled to the *extra half* fees if they are different deeds respecting the same property?

Whether they should exact their full fees in the case of duplicate deeds acknowledged by more than one married woman at the same time is another question. I can only say that if the property were small in amount I should not do so; for while I think every commissioner will agree with me that a fee of 13s. 4d. is little enough to pay a solicitor for leaving his own business and perhaps keeping some valued client waiting half-an-hour, yet the larger fee above named might, with propriety, and I think would, in many cases be voluntarily reduced by the commissioners themselves. E. J. B.

Nov. 6.

[The whole question seems to be whether a deed in duplicate is the same deed, or whether because it is duplicate it can be called two deeds. Our view is that the mere fact that a deed is twice written cannot make it two; the deed is sole though the evidence of it—viz., the parchment, writing, &c., be repeated many times. In the second case it is clear that a fee and a-half would be payable by each woman to each commissioner.—Ed. S.J.]

BANKRUPTCY ACT, 1869—JURISDICTION OF THE COURT UNDER SECTION 72.

Sir,—The cases cited in last week's *Solicitors' Journal* do not include the case of *Coombes* v. *Brooks* (12 L. R. Eq. 61), decided by Vice-Chancellor Wickens under section 117 of the Bankruptcy Act, 1869, in which he held that the word "Court" in that section means the Court of Chancery, and would seem to imply that the Court of Bankruptcy had no

jurisdiction under that section, although he does not expressly say so. The appointment of a new trustee in the place of a bankrupt trustee seems to be a proceeding arising out of and consequent upon the bankruptcy; and as it is a case that will be constantly occurring, and important both to the profession and the public, I shall be glad to hear the opinion of your more learned correspondents on the effect of *Coombes* v. *Brooks* as compared with the other cases. That case, however, was decided upon an *ex parte* application only. T. W.

Nov. 6.

OBITUARY.

MR. T. GREENWOOD.

Mr. Thomas Greenwood, F.R.S.L., a Bencher of Gray's Inn, expired on the 1st November, at his residence in Westbourne-terrace, Hyde Park, at the advanced age of 81 years. The late Mr. Greenwood was educated at St. John's College, Cambridge, where he graduated B.A. in 1815. Mr. Greenwood has thus survived but a few months the venerable master of Emanuel, who graduated in the same year. He was called to the bar at Gray's Inn in 1817, and about thirty years ago was elected a Bencher of his Inn, of which he was for some years the treasurer. He formerly practised at the Westminster, Durham, Northumberland, and Berwick sessions. Mr. Greenwood was likewise a fellow of the University of Durham, where he had for many years been reader in history and polite literature.

SOCIETIES AND INSTITUTIONS.

THE INCORPORATED LAW SOCIETY OF LIVERPOOL.

The forty-fifth annual meeting of the Incorporated Law Society of Liverpool was held at the Law Association Rooms, at Liverpool, on the 15th inst., Mr. Isham H. E. Gill, the president, in the chair. There was a numerous attendance, among those present being Messrs. Lowndes (vice-president), Edward W. Bird (treasurer). F. Archer (hon. secretary), Fred. S. Hull, H. Gregory, Wm. Radcliffe, Hore, Layton, R. A. Payne, Bushby, Bartlett, Newton, T. Avison, R. S. Cleaver, T. E. Paget, Fisher, Barrell, Frodsham, Jevons, Kenion, Gray Hill, W. H. Lace, Richardson, Goffey, Alsop, Thornley, Collins, Jenkins, J. Townshend, Jones, J. Forshaw, Dean, A. T. Squarey, &c.

Mr. F. Archer submitted the annual report, of which the following is an abstract:—

In presenting their report for the forty-fifth year of the existence of the society, the committee have to congratulate the members on the increasing prosperity and usefulness of the society. During the year fourteen new members have been elected. The society now consists of 195 members, a considerably higher number than it has ever previously attained. The librarian reports a marked increase in the use of the library by members and their clerks.

HIGH COURT OF ADMIRALTY DISTRICT REGISTRY.

The local administration of civil business has been promoted during the past twelve months by the establishment of the Local Registry of the High Court of Admiralty, in pursuance of the Act of the previous session. Mr. F. D. Lowndes, vice-president of the society, has been appointed registrar, and the committee expect that the greater part of the Admiralty business of the port will be transacted in the registry. In order, however, to perfect the machinery of the registry, various amendments in the Act establishing it will be required, and it will be necessary for the committee to take this subject into their careful consideration in the ensuing year.

LEGAL EDUCATION.

The cause of legal education having been taken up by an association, formed specially for the purpose, there has been little occasion for the committee to take any direct action in the agitation for the foundation of a central law university for the education of students intended for both branches of the profession. The vote of the last annual meeting, approving of the proposals of the Legal Education Association, enabled your committee to communicate formally to the council of that association the approval of this society. Similar support was given by other provincial law societies. But the most important evidence of the general support of this branch of the profession is the course taken by the Incorporated Law Society, by whom, after three days' debate, the following resolutions were carried by overwhelming majorities:—

"That this society approves generally of the proposals of the Legal Education Association for a university or school of law, and is willing to co-operate with the association on the footing—'That all the several branches of legal study will be open to all who may become students, without distinction or classification, leaving them to determine with which branch of the profession they will ultimately connect themselves. That the course of instruction of all members of the university intending to be barristers shall not be distinct and separate from the course of instruction of those intending to be attorneys or solicitors; and that an examination by the proposed university or school shall be equally compulsory on both branches. That no preponderance be given to the bar or to attorneys and solicitors on the governing body.'"

The proposals of the association were brought before the House of Commons on the 11th of July, by Sir Roundell Palmer, who moved resolutions to the following effect:—

"That, in the opinion of this House, it is desirable that a general school of law should be established in the Metropolis, in the government of which the different branches of the legal profession in England may be suitably represented; and that after the establishment thereof no person should be admitted to practice in any branch of the legal profession, either at or below the bar, or as an attorney or solicitor in England, without a certificate of proficiency in the study of law, granted after proper examinations by such general school of law. That an humble address may be presented to her Majesty, praying that her Majesty may be graciously pleased to take into consideration the expediency of establishing and incorporating, under her Majesty's Royal Charter, a general school of law in the Metropolis." These resolutions were brought forward, however, at so late a period of the session, that the pressure of other Parliamentary business caused them to be dropped without a division being arrived at. They will, no doubt, be again brought forward in the ensuing session, and the committee trust that they will then be passed.

LAW LECTURES.

While doing their best to promote a general scheme for the advancement of legal education, the committee have not lost sight of the importance of those duties that lie nearer home. The proposed law university will necessarily be established in the metropolis; but the provincial members of the profession require some improved facilities for legal education in their own towns. There have been several attempts to establish law schools in connection with Queen's College in Birmingham, and with Owen's College in Manchester, but hitherto without much success. A fresh attempt, however, to obtain law lectures of a high class has recently been made by the trustees of Owen's College, in which they have been supported by the Manchester Incorporated Law Association. The organisation of those lectures was entrusted to Dr. Bryce, the Regius Professor of Jurisprudence at the University of Oxford, through whom arrangements were made with several other gentlemen of acknowledged legal eminence and ability to deliver two successive annual courses of lectures of a comprehensive character. Your committee being informed of what was proposed to be done in Manchester, were desirous of extending the same advantages to their own town. The co-operation of the trustees of Owen's College was freely given to your committee, and it was ultimately arranged that the same courses that were to be delivered in Manchester should be repeated in Liverpool. It was found that this object could be attained at an expense of about £100 a-year, exclusive of the expense of providing rooms, lights, &c.; but individual members have liberally come forward to guarantee the society from loss. Your committee were of opinion that a trial for less than five years would be no fair test of the practicability of establishing a really good law school in Liverpool. The prospectus of the lectures and the syllabus of the first two courses have already been issued, and the first two lectures have been delivered by Dr. Bryce. The fee for the whole of the lectures during one session has been fixed at £2 2s., with 7s. entrance; and for a single course £1 1s., with the same entrance fee. These amounts are the same as have been fixed at Owen's College. The subscriptions to the lectures up to the time of issuing this report have reached the sum of

£165 4s., which is more than enough to cover the liability for the first year. The committee cannot quit the subject without pointing out that the ultimate success of the lectures must depend upon the continued personal support of the members of the society and their articled clerks.

LEGAL ORGANIZATION.

Your committee have long felt the importance of co-operation among law societies, and in particular provincial law societies. The interests of all provincial attorneys are the same, and in many cases (such as the localising of law offices) they are opposed to the interests of London attorneys. The two great London societies, and in particular the Incorporated Law Society, far exceed any provincial law society in numbers and importance, but although they both admit provincial members in their governing bodies, the practical decisions are almost necessarily given by meetings containing an overwhelming preponderance of London members. At the same time, your committee have practical experience that even a very few provincial law societies, by their legitimate influence upon the mercantile associations and other public bodies in their own localities, and, through and in conjunction with them, upon their local representatives, can exert a much greater influence in Parliament than the metropolitan societies. During the past year your committee thought it desirable to invite all other provincial law societies to appoint delegates to meet and discuss in common, proposed legislative measures affecting the reform of the law, and the interests of attorneys and solicitors. The invitation issued was responded to by a meeting at Manchester, on the 23rd March, of the deputies from the Northern Circuit committee of the Metropolitan and Provincial Law Association, the Manchester Incorporated Law Association, the Birmingham Incorporated Law Society, the Leeds Incorporated Law Society, the Newcastle and Gateshead Incorporated Law Society, the Worcester Law Society, and this society. At this meeting the following resolutions were passed on the subject of general law reform :—

"That it is desirable that the County Court Jurisdiction and Procedure Bill should be opposed on the grounds :—(1) That the legislation should be deferred until the Judicature Commission has reported. (2) That the effect of the bill would be to increase the vested interests with which it will be necessary to deal."

PROFESSIONAL REMUNERATION.

The meeting of deputies then proceeded to discuss the subject of professional remuneration. The following resolutions were arrived at by the meeting :—

"That in view of the recent Act relating to the remuneration of attorneys and solicitors, this meeting is of opinion that the remuneration of attorneys and solicitors, in certain classes of transactions on *ad valorem* principle, is both feasible and desirable. That any sound system of legal charges should aim at fulfilling as far as possible the following conditions :—(1) It should pay more highly for head work than for mechanical work. (2) It should pay adequately for all real work, and should destroy, or as far as possible lessen the temptation to do sham work or shirk responsibility. (3.) It should secure a due recognition of the experience of practitioners. (4.) It should produce as a result such a remuneration for the profession as would favourably compare with the remuneration afforded in other walks of life open to the same class. (5) It should do full justice to the successful suitor by giving him as party and party costs all costs reasonably incurred in the ordinary course of the suit. That this meeting is of opinion that the principle of *ad valorem* charges should not apply to transactions under £300."

Subsequent meetings of the deputies were held in London on the 14th and 15th of April, at which a revised scale was reviewed with great care, and after a very full discussion a resolution was adopted approving it. At these meetings the Manchester, Liverpool, Birmingham, and Newcastle societies were represented, and their scale was afterwards approved of by the committees of all the societies represented, and also by the Worcester Law Society. Prior to the next meeting of the deputies held at Liverpool, on the 5th July, the committee of this society had had under consideration the subject of taxation of costs as between party and party, which they considered should be assimilated to a much greater extent than is now done with the costs as between solicitor and client. They selected, as what they considered the proper rule, the principles set forth by the Court of Common Pleas, interpreting the Parliamentary Elections Act in the case of *Hill* v. *Peel*, L. R. 5 Ch. 180. With a view to getting an alteration to that effect made, in the first instance, by the Courts of Chancery and Common Pleas of the County Palatine, they first waited upon the Attorney-General of the Duchy, and afterwards upon the Vice-Chancellor of the County Palatine, and subsequently, at the suggestion of the latter, upon Lord Justice James. They were very favourably received in all cases; but they were advised by Lord Justice James to apply in the first instance to the Lord Chancellor himself, in order that any changes that might be desirable might be first adopted in the High Court. The result of the interview was reported to the meeting of deputies on the 5th July, who passed the following resolutions :—

"That in the taxation of costs, as between party and party, the principle of allowance should be that successful parties are entitled to an indemnity for all costs that may be reasonably incurred by them, but not to any extraordinary or unusual expenses incurred in consequence of over-caution or over-anxiety as to any particular case, or from considerations of any special importance arising from the rank, position, wealth, or character of either of the parties, or any special desire on his part to ensure success. That the charges for time ought to be increased, and that the scale of remuneration for time suggested by the Incorporated Law Society of Liverpool would be proper to be adopted in matters to which such scale can be made applicable, and to be regarded as a standard to regulate the charges for time in cases to which the scale is not distinctly applicable. That a deputation from the provincial societies wait upon the Lord Chancellor, at some time to be fixed by the chairman, to represent to his lordship the desirability of altering the system of taxing costs in the spirit of the last two resolutions."

In accordance with these resolutions, an interview with the Lord Chancellor was asked, and granted by his Lordship, and the views of the deputations were presented in a written statement. It expressed in greater detail the sentiments of the preceding resolution citing *inter alia*, the fact that the nominal amount of fees to attorneys and solicitors is the same at present as it was when the value of money was many times greater, and that the nominal fees of 6s. 8d. for an attendance, and £2 2s. for a whole day's work, which were once full and adequate payments, have, since the change of circumstances, become totally inadequate. On the 12th May, 1870, the Lords of Session in Scotland authorised charges in contentious matters—for the one half-hour 6s. 8d., for the hour 10s., each succeeding half-hour 5s., up to £4 4s. a day of eight hours, for work done in Scotland, and £5 5s. a day for journeys from home. We submit to your Lordship that if these charges are allowed in contentious matters in Scotland, at least a similar scale should be allowed in this country. The Lord Chancellor received the statement of the deputies very favourably, and promises to give the matter his consideration. Your committee are quite aware of the difficulties in the way of the universal or even general adoption of any *ad valorem* scale of charges, unless formally sanctioned by the courts; they are, therefore, not prepared at present to recommend any resolution on the subject for adoption by the society.

STAMPS.

Under the Stamp Act, 1870, a question of importance to the public and profession has arisen. Subjoined is a copy of a letter from the Commissioners of Inland Revenue in the matter, in answer to an inquiry addressed to them by the Incorporated Law Society of Liverpool :—

"Inland Revenue, Somerset House,
London, Oct. 17, 1871.

SIR,—The Board of Inland Revenue have had before them your letter of the 4th instant, requesting information as to the proper construction of the Stamp Act, 1870, as regards the charge of duty under the head 'Admission and appointment or grant by any writing to or of any office or employment, and as to the classes of persons affected by it.' It is, of course, impossible to specify all the classes of persons affected by the charge to which your letter refers. It will probably afford sufficient information to acquaint you that all appointments by any writing to office, or employment held during good behaviour, or otherwise, of a permanent character, were prior to the Stamp Act, 1870, and are now under that Act liable to *ad valorem* stamp duty. I

may add that where an appointment is made by a resolution recorded in a minute-book, and there is no other writing of appointment which is duly stamped, the resolution is the writing liable to the stamp duty.—I am, sir, your obedient servant, WM. LOMAS."

The retiring members or the committee are Messrs. W. G. Bateson, F. S. Hull, F. D. Lowndes, F. T. Maddock, R. A. Payne, A. T. Squarey, and J. B. Wilson. The committee nominate Messrs. W. G. Bateson, F. S. Hull, and F. D. Lowndes for re-election. The other four retiring members are therefore ineligible as members of the committee for the ensuing year.

The PRESIDENT, in moving that the report of the committee be adopted, printed, and circulated in the usual way, said:—There is one matter to which I wish to allude, and which is not mentioned in the report. We are going to lose a very active member of the Law Society, Mr. Steble, who is not, I am glad to say, retiring from the profession in consequence of any misfortune, but through a plethora of capital, which is not very usual among us. (Laughter, and hear, hear.) Although the legislative results of the last session of Parliament have been small, the time of the committee has been greatly occupied by the consideration of the grave and important questions that affect the future of the profession. The report shows the steps that have been taken with regard to the Law University, the organization of the profession, and professional remuneration; and I may be pardoned in saying that in each of these matters I think we have made real progress this year, and sown seed that bids fair to afford a harvest in the future. An education that sufficed for the practitioner of the last century will not suffice for the attorney of the present day. Whether he will or no, he is obliged to perform functions in the local courts that require a knowledge of the principles both of law and equity. No master in the pressure of business can give his articled clerk skilled training—a mere knowledge of practice will not qualify an attorney in these times of transition, and when we find of the 94 candidates that presented themselves in Easter term last 30 were postponed, or nearly one-third, and of the 199 who presented themselves in Trinity term 6 were postponed, or 1-36th part only. I fear we must come to the conclusion that the present system of legal education is defective. (Hear, hear.) I trust that the establishment of law lectures in Manchester and Liverpool will supply, to some extent, the want of skilled teaching, which is one of the most glaring defects. That ninety-two persons should subscribe for the courses is a significant proof that necessity existed for them; and I hope that not only the students will qualify themselves for the future, but the practitioners who have to deal with the present will avail themselves of the courses and place them on a permanently sound basis. For a very able exposition of the wants of legal education at the present time, and the proper mode of remedying them, I would refer you to a paper written by Mr. Jevons for the meeting of the Metropolitan and Provincial Law Association at Newcastle. Towards the proper organisation of the profession much has been done during the last year. It is clear that for this purpose there should be one centre in London, and branches in the provinces working in union. The Incorporated Law Society of England is naturally the centre in London. Having a subsidy from the whole body of professional men in the kingdom, they have means at their disposal, and, by the selection of eminent London practitioners, they have the best talent to direct the proper application of the means. At present they number 1,775 solicitors practising in London, or more than one-half of the metropolitan certificates; and 660 solicitors practising in the country, or less than 1-10th of the country solicitors. A committee is now sitting to consider what steps should be taken to enlarge the operations of the society; and I feel little doubt that at the adjourned meeting of the society a comprehensive scheme will be brought forward which, when carried out, will place it in its proper position as the representative and head of the profession. Meantime, organisation in the provinces has been proceeding more rapidly. Most of the large towns have now established incorporated law societies, and if representatives from these incorporated societies were joined to the council of the Incorporated Law Society, it would form the most perfect means of representing the profession in all important matters. The Metropolitan and Provincial Law Association has for some years past performed most useful duties to the profession, but probably the time has come when the older society may, with propriety, resume the entire duties of head centre, and, with the affiliated local societies, or one complete organisation of the profession. The question of professional remuneration has occupied a large portion of the committee's time this year. That the present system of law charges is unsatisfactory, both to the practitioner and the public, cannot be doubted; that any new system should fulfil the requirements set out in the report is equally clear. I believe no alteration will really be complete or satisfactory until the practitioner is placed in the same position as a member of any other profession; but until that is recognised much may be done to improve the present state of charges. A very exhaustive discussion on the subject took place at the Newcastle meeting of the Metropolitan Law Association in October, on a paper read by the president of the Manchester Law Society; and it seemed to be the impression that one general scale should be agreed upon as the basis of professional charges, and that such scale should be recognised by authority. In other words, that a solicitor using such scale should be entitled to receive it from his client, and that his client, whether he was trustee, agent, director, or in any other fiduciary character should be justified in paying it. No doubt a client under Rathbone's Act may make a bargain, but to form the basis of that bargain a scale must be in use, and if that client be acting in a fiduciary character, that bargain will not entitle him to an allowance of the sum paid according to the present rules of taxation. The practical result, therefore, seems to be to endeavour during the ensuing year to get the equity and common law judges to carry out the suggestions made by the joint deputations in July last, and if they be not sufficient to urge for further legislation on the subject. Looming in the future are the alterations threatened by the High Court of Justice Bill, the Land Transfer Bill, and the reforms to be suggested by the Judicature Commission. In each and all of them we are deeply interested. By the establishment of local registries, in connection with the county palatine courts of common law and equity it has been conclusively demonstrated that the public, as well as the local profession, are largely benefited, both by the decrease of expense and the saving of time; and it may fairly be anticipated that the principle of decentralisation having proved to becorrect, will be extended and not diminished. The success of the county palatine reform shows a fact long known to our profession, but little regarded by the public, that legal reforms, to be successful, must proceed from within and not from without; and that those practically conversant with the subject are the proper persons to carry them out. The alterations in the bankruptcy law will illustrate this. It has from time to time been altered in accordance with the popular idea of what should be, and without regard to the opinions of those practically conversant with them. The result has been change without improvement; and increased cost without any corresponding benefit. I trust that if land transfer is to be dealt with, the alterations proposed may be considered by men on every side of the profession; and if that be done I believe that a real and most necessary reform can be carried out. If it be not done, I fear both the public and the profession will suffer by a change that will unsettle our existing notions without supplying an efficient remedy. If courts are to be established to work out the law by a fusion of law and equity, it will be idle to appoint as the working functionaries or registrars of these courts barristers-at-law having an exclusive knowledge of either law or equity, but not of both. Fusion can only be committed to the attorney or solicitor having a practical knowledge of both, and whose previous training peculiarly fits him for organising and working out a novel system. Gentlemen, we have come to the end of a very active and busy session; but the next bids fair to require greater exertions than the last. The society for years past has pursued an even course of striving for reform that benefits both the public and the profession. So far it has achieved success, and in the legislation of the future I doubt not it will maintain its proper place; and whilst it will continue to oppose crude alteration, it will always be ready to use its best efforts to support any proposal that is a real improvement. There is only one other matter I will allude to. The law clerks of Liverpool are desirous of establishing a local provident society. This will in no way interfere with the Solicitors' Benevolent Society, because most of the members of the provident society would not be solicitors. This movement is under the management of our active friend Mr. Timpron Martin, and I would invite you to assist in it by giving a small donation to the funds.

Mr. LOWNDES, the vice-president, said it was his privilege to second the motion. The president had gone so fully

over the matters mentioned in the report that he deemed it quite unnecessary to trouble the society with any lengthened remarks.

Mr. F. S. HULL said he simply rose to observe that the report, which alluded to the labours of the committee during the past year, did not notice the very great labour, zeal, and activity which had been displayed by the president during the past year (applause); and he was sure he only spoke the general feeling of the committee when he stated that he hoped the new president would take a leaf out of Mr. Gill's book, and follow in his footsteps.

After considerable discussion respecting one or two matters in the report, the resolution was put and unanimously agreed to.

The financial statement presented by Mr. E. W. Bird, the treasurer, showed that the receipts during the past year were £566 19s. 9d. and that there was a balance in hand of £16 12s. 2d.

The PRESIDENT moved, and Mr. LOWNDES seconded, that the statement be confirmed.—Agreed to.

Mr. THOMAS AVISON moved that the best thanks of the meeting be given to the officers of the society for their attention to the interests of the profession and the society during the past year. He said all who had listened to the admirable report presented that day could not but come to the conclusion that they were one and all deeply indebted to those gentlemen for their earnest attention to the work which had devolved upon them. The work of the committee was increasing year by year, and he was only surprised that so many valuable members of the profession could be found to devote so much time and labour in the discharge of the duties entrusted to them.

Mr. WM. RADCLIFFE said he cordially seconded the motion, which was unanimously carried.

The PRESIDENT acknowledged the vote.

A document, containing the minutes of the formation of the first law society in Liverpool, in the 50th year of the reign of George III, was presented by Mr. Fisher. It was read by that gentleman, who observed that it contained the autographs of those who might be styled the grandfathers of the legal profession in Liverpool. A cordial vote of thanks was accorded Mr. Fisher for his valuable present.

Mr. GRAY HILL moved, and Mr. H. GREGORY seconded a vote of thanks to Mr. Paget for his handsome conduct in refusing to receive any remuneration for his personal services in conducting a case of legal procedure on behalf of the society.

Messrs. Hull, Bateson, Lowndes, Kenion, Banner, Atkinson, and Norris were elected members of the committee.

Mr. R. A. PAYNE moved a vote of thanks to Mr. Archer, the hon. secretary, for the zeal and ability with which that gentleman had discharged his very onerous duties.

Mr. A. T. SQUAREY seconded the motion, which was agreed to unanimously.

Mr. ARCHER having acknowledged the compliment, a similar vote was passed to the president for his conduct in the chair; and the proceedings terminated.

LAW ASSOCIATION FOR THE BENEFIT OF WIDOWS AND FAMILIES OF ATTORNEYS, SOLICITORS, AND PROCTORS IN THE METROPOLIS AND VICINITY.

At the monthly meeting held on Thursday the 2nd inst., at the hall of the Incorporated Law Society in Chancery-lane, an announcement of the death of Mr. Harding, one of the treasurers, was made and received with much regret. A grant of £10 was made to the widow of a non-member. Three new members were elected, and other business was transacted.

ARTICLED CLERKS' SOCIETY.

A meeting of this society was held at Clement's Inn Hall, on Wednesday, Mr. E. W. Dendy presiding. The treasurer and the committee severally presented their annual reports, which, after some discussion, were unanimously adopted, as were also the reports of the secretary for the societies in union and the parliamentary secretary. The following gentlemen were elected to serve on the committee for the ensuing year:—Mr. John Parker, as secretary; Mr. E. W. Bone, as treasurer; Mr. Lionel B. Moxley, as secretary for societies in union; Mr. Dendy, as secretary of the legal correspondence department; Mr. George Whale, jun., as parliamentary secretary; Mr. H. Lewis Arnold, as reporter; Messrs. Patrick, W. Drummond and R. Joseph Debney, as committeemen, and Messrs. J. C. Barnard, and David J. Hubbard, as auditors.

THE LAW STUDENTS' DEBATING SOCIETY.

At the meeting of this society at the Law Institution, on Tuesday last, Mr. A. G. Harvie, in the chair, the question discussed was, "Ought the existing terms and vacations to be abolished?" The debate was opened by Mr. Gordon (per Mr. Herbert) in the affirmative and so decided by the society. The number of members present was thirty-one.

LIVERPOOL LAW STUDENTS' SOCIETY.

A meeting of this society was held at the Law Library, 14, Cook-street, on Thursday, the 2nd November, inst., Mr. F. Gregory, solicitor, in the chair. The subject for debate was, "A telegraph company is established under the Joint Stock Companies Act, 1862. On the form, on which the message is written, are printed conditions on which messages are sent, one of which is, that the company shall not be liable for non-delivery. A dispatch is sent, received at the delivery office, but not delivered, and loss ensues to the sender; is the company liable for negligence?" The question was decided in the affirmative by a large majority.

LAW STUDENTS' JOURNAL.

GENERAL EXAMINATION OF THE INNS OF COURT.

General Examination of students of the Inns of Courts, held at Lincoln's-inn Hall, on the 30th and 31st October, and the 1st November, 1871.

The Council of Legal Education have awarded to Hiram Shaw Wilkinson, Middle Temple, a studentship of fifty guineas per annum, to continue for a period of three years; James Owens Wylie, Middle Temple, an exhibition of twenty-five guineas per annum, to continue for a period of three years; Edward James Ackroyd, Middle Temple, Robert Forster McSwinney, Inner Temple, and Gustavus Adolphus Smith, Gray's-inn, certificates of honour of the first class; and to Charles C. M. Baker, Charles Norman Bazalgette, Charles Doyle, Samuel Thomas Fitzherbert, Reginald Godfrey Marsden, Richard Owen Stewart Morgan, Thomas Robert Stokoe, Inner Temple; Samuel William Casserley, Henry Appold Grueber, Charles Edward Lanauze, Samuel Lewis, Raj Narain Mitra, Maurice O'Connor Morris, Bedford Clapperton Trevelyan Pim, George Henry Wavell, Charles Palmer Bluett Wiltshire, Middle Temple; Samuel Winter Cooke, David Fitzgerald, Robert James Forrest, Malcolm Peter Jasper, William Frederick Hunter, Walter Bishop Kingsford, Somers Reginald Lewis, Anderson Souttar, Hugh Eden Eardley Wilmot, Lincoln's-inn; and Thomas Joseph Greenfield, Gray's-inn, Esqs., certificates that they have satisfactorily passed a public examination.

THE NEW JUDGES.

The Right Hon. Sir MONTAGUE EDWARD SMITH, one of the justices of the Court of Common Pleas, has been appointed a member of the Judicial Committee of the Privy Council, for the purposes and under the provisions of an Act passed in the last session of Parliament, entitled "An Act to make further Provision for the Despatch of Business by the Judicial Committee of the Privy Council." Sir Montague Smith is the eldest son of the late Thomas Smith, Esq., solicitor, of Bideford, Devon, some time town clerk of that borough, by Margaret Colvile, daughter of Commander M. Jenkyn, R.N., and was born in the year 1809. He was educated at the Bideford Grammar School, and was called to the bar at Gray's-inn on the 18th November, 1835; he practised on the Western Circuit. In 1853 he was created a Queen's Counsel, being the same year in which Lord Justice James received his silk gown, and was shortly after nominated a bencher of the Middle Temple. In April, 1859, he was elected M.P. for Truro, having previously been an unsuccessful candidate for the representation of that constituency in 1849 and 1852. He entered Parliament as a Liberal-Conser-

vative, being opposed to the Ballot, but in favour of law reform. In January, 1865, on the resignation of Mr. Justice Williams, he was appointed a puisne judge of the Court of Common Pleas, and on that occasion he received the customary honour of knighthood. Sir Montague Smith is a Royal Commissioner for superintending the building of the new Law Courts, and is also a member of the Judicature Commission.

The Right Hon. Sir JAMES WILLIAM COLVILE has also been pointed one of the judges of the privy council, under the provisions of the recent Act. The new judge is a son of the late Andrew Colvile, Esq., of Craigflower, county Fife, (who assumed the name of Colvile in lieu of Wedderburne, pursuant to a deed of entail), by the Hon. Louisa Mary, fifth daughter of the first Lord Auckland. He was born in London in 1810, and was educated at Eton, and at Trinity College, Cambridge. He graduated B.A. (3rd senior optime) in 1831. He was called to the bar at the Inner Temple on the 30th January, 1835, and in 1845 he was appointed by the East India Company to be their Advocate-General at Calcutta. In 1848 he was raised to the bench of the supreme court as a puisne justice, being appointed in the same year as the late Sir Arthur William Buller, with whom he was associated for many years on the Calcutta bench. On this occasion he received the honour of knighthood by patent, and in 1855, on the retirement of Sir Lawrence Peel from the chief Justiceship (which he had held since 1842), Sir James Colvile was appointed to succeed him, and continued in that office till 1859, when he resigned and returned to England. In that year he was sworn a privy councillor, and appointed assessor to the judicial committee of the Privy Council on Indian appeals. In 1865 he gave up the assessorship, and became a member of the judicial committee, and has been a regular attendant of the sittings of that tribunal. Sir James Colvile married, in 1857, Frances Elinor, eldest daughter of Sir John Peter Grant, K.C.B., formerly of the Bengal Civil Service, now Governor of Jamaica.

Sir ROBERT PORRETT COLLIER, Attorney-General, was sworn in on the 3rd November, at Balmoral Castle, as a member of her Majesty's Privy Council, and on Tuesday last was gazetted to be a Justice of the Court of Common Pleas. This is understood to be preliminary to his transfer to the Judicial Committee of the Privy Council as a paid judge. The Right Hon. Sir R. P. Collier is a son of the late John Collier, Esq., of Grimstone, Devon (a merchant and shipowner, who was M.P. for Plymouth from 1832 to 1841), by Emma, fourth daughter of Robert Porrett, Esq. He was born at Mount Tamar, near Plymouth, in 1817, and was educated at the Plymouth Grammar School, whence he proceeded to Trinity College, Cambridge, where he graduated B.A. in 1841, but did not go out in honours. He was called to the bar at the Inner Temple on the 27th January, 1843, after which he joined the Western Circuit, and attended the Plymouth and Devon Sessions. In 1847, on Mr. Herman Merivale becoming Under-Secretary at the Colonial Office, he was appointed to succeed that gentleman as Recorder of Penzance. He was first returned to Parliament, as member for Plymouth, in July, 1852, having unsuccessfully contested Launceston in 1841. In 1854 he was created a Queen's Counsel, with a patent of precedence, being soon after elected a bencher of the Inner Temple; and in December, 1859, he was appointed Judge Advocate of the Fleet, and counsel to the Admiralty. He held this office till October, 1863, when he was nominated Solicitor-General in Viscount Palmerston's last administration, succeeding Sir Roundell Palmer, who became Attorney-General. On becoming Solicitor-General he was knighted, and continued in office till the dissolution of Lord J. Russell's Government in July, 1866. On the return of the Liberal party to power in December, 1868, under the leadership of Mr. Gladstone, Sir Robert Collier was selected for the office of Attorney-General, which he has held for nearly three years. In July, 1870, on the death of Mr. Serjeant Kinglake, the Attorney-General was appointed to succeed him as Recorder of Bristol, and appealed to his constituents for re-election; but, in consequence of their disapproval of his accepting the office, he resigned the recordership immediately on his return. Sir R. Collier is the author of works on "The Law of Railways" and "The Law of Mines." He married, in 1844, Isabella, eldest daughter of William Rose Rose, Esq., of Eaton-place West, London, and of Wolston-heath, near Coventry, by which lady he has two sons and a daughter. Mr. J. F. Collier, of the Western Circuit, and Recorder of Poole, is a brother of the new judge. Sir R. Collier is an amateur painter of great ability, and one of his works was hung in the Royal Academy Exhibition of last year.

COURT PAPERS.

WINTER CIRCUITS OF THE JUDGES.

Circuit No. 1, Lancashire; Mr. Willes and Blackburn, JJ.

Circuit No. 2, Cumberland, Newcastle-upon-Tyne, Durham York (West Riding); Pigott, B.

Circuit No. 3, Worcester, Gloucester, Stafford, Chester, Shropshire; Keating, J.

Circuit 4, Warwick, Derby, Leicester, Lincoln, Glamorgan; Lush, J.

Circuit No. 5, Esser, Kent, Sussex, Hampshire, Devon; Martin, B.

EXCHEQUER CHAMBER.

SITTINGS IN ERROR.

The following days have been appointed for the argument of errors and appeals:—Queen's Bench, 27th, 28th, and 29th November; Common Pleas, 30th November and 1st December; Exchequer, 2nd, 4th, 5th, 6th, and 7th December.

CENTRAL CRIMINAL COURT.

The following days have been fixed for the opening of the sessions:—Monday, November 20; Monday, December 11; Monday, January 8, 1872; Monday, January 29; Monday, February 26; Monday, April 8; Monday, May 6; Monday, June 10; Monday, July 8; Monday, August 19; Monday, September 23; and Monday, October 28.

REGISTRATION APPEALS.

LIST of APPEALS to be argued in the Court of Common Pleas during the present Term.

The Court will sit on the 17th, 18th, 21st, and 22nd inst. The appeals will to be heard in the following order:—

1. Bendle (Cumberland), appellant, and Watson, respondent; misdescription of qualification.
2. Townshend v. The Overseers of Marylebone; misdescription of qualification.
3. Jones (Chester) v. Marshall; non-payment of poor-rates.
4. Taylor (Shrewsbury) v. Davies; validity of notices.
5. Calver (Essex) v. Roberts; the same.
6. Ford (Exeter) v. Brown; the same.
7. Fuller (Devon) v. the overseers of Widdicombe; the same.
8. Chorlton (Lancaster) v. Overseers of Coyne; the same.
9. Cull (Gloucester) v. Austin; non-payment of poor-rates.
10. Austin (Gloucester) v. the same; non-payment of rates.
11. Wadmore (Middlesex) v. Dear; freehold share in bridge.
12. The same v. Overseers of Putney; same objection.
13. Buckley (York) v. Wrigley; share of a freehold.
14. Fernie (Stafford) v. Scott; freehold land.
15. Simey (Durham) v. Dixon; freehold benefice.
16. Chorlton (Lancaster) v. Overseers of Stretford; annual value of premises.
17. Hinckle (Bedford) v. Piper; separate occupation.
18. Moger (Bath City) v. Escott; successive occupation.
19. Lee (Bradford) v. the Town Clerk of Bradford; dwelling-house.

PUBLIC COMPANIES.

RAILWAY STOCK.

	Railways.	Paid.	Closing prices.
Stock	Bristol and Exeter	100	102
Stock	Caledonian	100	118
Stock	Glasgow and South-Western	100	114
Stock	Great Eastern Ordinary Stock	100	47½
Stock	Do., East Anglian Stock, No. 2	100	—
Stock	Great Northern	100	138
Stock	Do., A Stock*	100	162
Stock	Great Southern and Western of Ireland	100	105
Stock	Great Western—Original	100	108
Stock	Lancashire and Yorkshire	100	154¼
Stock	London, Brighton, and South Coast	100	69⅜
Stock	London, Chatham, and Dover	100	25¼
Stock	London and North-Western	100	145¾
Stock	London and South-Western	100	108
Stock	Manchester, Sheffield, and Lincoln	100	71
Stock	Metropolitan	100	75½
Stock	Midland	100	133⅜
Stock	Do., Birmingham and Derby	100	108
Stock	North British	100	60
Stock	North London	100	125
Stock	North Staffordshire	100	76
Stock	South Devon	100	70
Stock	South-Eastern	100	97½
Stock	Taff Vale	100	160

GOVERNMENT FUNDS.

LAST QUOTATION, Nov. 10, 1871.
From the Official List of the actual business transacted.

3 per Cent. Consols, 92¾	Annuities, April, '85
Ditto for Account, Dec. 3, 93	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced 91¼	Ex Bills, £1000, — per Ct. 7 p m
New 3 per Cent., 91½	Ditto, £500, Do — 7 p m
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, — 7 p m
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 4½ per Ct. (last half-year) 23
Do. 5 per Cent., Jan. '73	Ditto for Account.
Annuities, Jan. '80 —	

MONEY MARKET AND CITY INTELLIGENCE.

The topic of the week, in the money market, has been the sustention of the Bank rate at 5 per cent, while money is so much cheaper elsewhere. Early in the week the markets were a little fluctuating, but ultimately became strong. Railways close in good demand, and the foreign markets steady.

Subscriptions are invited for 25,000 £20 shares, the unappropriated capital of the Emma Silver Mining Company (Limited) to purchase the Emma mines in Utah, within sixteen miles of the Pacific railway, held under a United States patent, which the prospectus states makes the title perfect. A net profit of £231,059 was made during the months of May, June, July, and August, being at the rate of £700,000 per annum; the dividends are to be payable monthly, but are restricted to 18 per cent. per annum until a fund of £180,000 to equalise dividends has been accumulated. Major General R. C. Schenck, United States minister in London, is on the board of directors, besides being (with Mr. J. H. Paleston of the firm of Jay, Cooke, M'Cullock & Co., one of the trustees for the shareholders. The first monthly dividend, at the rate of 18 per cent. per annum, will be payable on the 1st December next, on the amount paid upon each share, and subsequent dividends will become payable on the 1st of each month.

The shares are quoted at 3½ to 4 premium.

The London and Westminster Bank, Jay, Cooke, McCullock & Co., receive application for shares.

The shares of the Mineral Hill Silver Mining Company are 18 to 18½ per share.

The shares of the South Aurora Silver Mining Company are 2½ to 2¾ per share.

The Mineral Hill Silver Mines Company (Limited), announce the receipt, per steamer "City of Antwerp" from New York, of seven bars of silver, value 10,789 dollars, the shares are quoted at 18½ per share.

The shares of the Morvah Consols Tin Mining Company are quoted at 1½ to 1¾ premium.

THE NEW ELECTION JUDGES.—Mr. Justice Montague Smith, Mr. Baron Pigott, and Mr. Justice Hannen have been nominated as Election Judges for the ensuing year.

A judgeship in the Assistant Court of Appeal in the Island of Barbadoes, has become vacant by the death of Mr. S. J. Prescord. The appointment is worth £450 per annum.

Mr. Francis Baring Kemp has been appointed to officiate as Chief Justice till the arrival of Sir Richard Couch.

A monument is to be erected to the memory of Mr. Norman in St. Paul's Cathedral, Calcutta, and a meeting of the attorneys of the Calcutta High Court has been held on the purpose of showing their respect to the deceased gentleman by some memorial.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

SPARKS—On Oct. 29, at Suffolk-house, Putney-hill, the wife of Earnest A. Sparks, Esq., of a daughter.

MARRIAGES.

THOMAS—SYKES—On Nov. 2, at the Cathedral, Manchester, Theodore Thomas, Esq., of the Middle Temple, barrister-at-law, and Professor of Law, Canning College, Lucknow, to Anne Gaskell, second daughter of the Rev. J. Sykes, Old Trafford, Manchester.

DEATHS.

FORSTER—On Nov. 5, William Forster, Esq., barrister-at-law, of 10, Serle-street, Lincoln's-inn, aged 52.

MOODIE—On Oct. 3, at Barrackpore, near Calcutta, Aflleck Moodie, Esq., barrister-at-law, and Officiating Second Judge of the Small Cause Court, Calcutta, aged 33.

TRIPP—On Nov. 4, Richard Stevens Tripp, Esq., barrister-at-law, of Lincoln's-inn and Weybridge, Surrey.

LONDON GAZETTES.

Professional Partnerships Dissolved.

FRIDAY, Nov. 3, 1871.

Keighley, Thos Dodd, & Jas Biggs Porter, Gt Winchester-st-bldgs, Attorneys and Solicitors. Oct 31

Morten, John Garret, & John Osmond Meadows, Bond-ct, Walbrook, Attorneys and Solicitors. Nov 1

TUESDAY, Nov. 7, 1871.

Elmhirst, Jas, & Alfd Parkin, Thorne, York, Solicitors and Conveyancers. Oct 31

Winding up of Joint Stock Companies.

TUESDAY, Nov. 7, 1871.

LIMITED IN CHANCERY.

Cramer & Company (Limited).—Petition for winding up, presented Nov 2, directed to be heard before Vice Chancellor Wickens on Nov 17. Kimber & Ellis, Lombard-st, Solicitors for the petitioners.

STANNARIES OF CORNWALL.

TUESDAY, Nov. 7, 1871.

Reperry Mining Company.—Petition for winding up, presented Oct 31, directed to be heard before the Vice Warden at the Prince's Hall, Truro, on Tuesday, Nov 21 at 12. Affidavits intended to be used at the hearing in opposition to the petition must be filed at the Registrar's office, Truro, on or before Friday, Nov 17, and notice thereof must at the same time be given to the petitioner or their solicitor. Paul, Truro, solicitor for the petitioners.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Nov. 3, 1871.

Samuell, Alfred Simpson, Lpool. Gent. Dec 1. Samuell v Samuell, Registrar, Lpool District

TUESDAY, Nov. 7, 1871.

Abbitt, Chas Robt, James-st, Oxford-st, Butcher, Dec 5. Foy v Rover M.R. Potter, King-st, Cheapside

Fowler, Walter Moore, St Michael's-alley, Cornhill, Stock Broker. Dec 11. Goodrich v Fowler, V.C. Wickens. Walker, Founder's-hall, St Swithin's-lane

Smith, Geo Thos, Jewin-st, Floorcloth Manufacturer. Dec 4. Smith v Hazard, V.C. Malins. Jones, East Retford

Stimson, Thos, Emneth, Norfolk, Farmer. Dec 9. Jacob v Catling, V.C. Wickens. Ollard, Wisbeach

Taylor, John Geo, Shirley, York, Manufacturer. Nov 30. Taylor v Taylor, M.R. Wood & Killick, Bradford

Whitehead, Ralph Radcliffe, Amberley-st, nr Stroud, Gloucester, Esq. Dec 1. Whitehead v Whitehead, V.C. Malins. Litler & Harwar, Oldham

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Nov. 3, 1871.

Bennett, Chas, Croydon, Surrey, Plumber. Nov 30. Hogan, Croydon

Burrell, Mary Ann, Malvern-ter, Kilburn-pk, Spinster. Dec 14. Smith & Sons, Furnival's-inn

Eley, John, Toppesfield, Essex, Farmer. Dec 25. Stedman, Sudbury

Fawcett, Isabella, Fryup, York, Widow. Jan 15. Gray & Pannett, Whitby

Garwood, John, Colchester, Farmer. Dec 20. Smythies & Co, Colchester

Griffiths, Eliz, Croydon, Surrey, Widow. One calendar month. Hogan, Croydon

Griffiths, Wm, Brynffrwd, Glamorgan, Esq. Dec 7. Popkin, Bridgend

Hall, Mary, Pownall-rd, Dalston, Widow. Jan 1. Parker, Old Sarum Villas, nr Salisbury

Harrison, Fras, Boston, Lincoln, Blacksmith. Jan 1. Staniland & Wigelsworth, Boston

Hartley, Ann, Burford, Oxford, Widow. Jan 1. Price & Son, Burford

Hastead, Benj, Bridgham, Norfolk, Gent. Nov 30. Fowell, jun, Garboldisham

Hittinger, Hy, Cable-st, Wellclose-sq, Baker. Dec 30. Shaw & Fraser Furnival's-inn

Hunt, Jas Chas, Gloucester-rd, Regent's-pk. Dec 30. Shaw & Fraser, Furnival's-inn

Mackenzie, Nancy, Southwick-crescent, Hyde-pk. Jan 1. Palmer & Co, Bedford-row

Martin, Jane Hooper, Manor-st, Clapham. One calendar month. Hogan, Martin's-lane, Cannon-st

Mosenthal, Joseph, King's-arms-yd, Merchant. Dec 10. Mosenthal, King's-arms-yd

Mursaw, Edwd, Haxby, York, Gent. Jan 1. Walker, York

Park, Philip, Preston, Lancashire, Esq. Dec 8. Buck & Dicksons, Preston

Pennethorne, Sir Jas, Long Ditton, Surrey. Jan 1. Few & Co, Henrietta-st, Covent-garden

Pettet, Geo, Harting (not Harling), Sussex, Gent. Nov 21. Albery & Lucas, Midhurst

Saunders, Wm Boggett, Valentine-row, Blackfriars-rd, Bacon Dryer. Dec 16. Easton, Clifford's-inn, Fleet-st

Stock, Mary Ann, Worcester, Spinster. Dec 13. Corbett, Worcester

Tranter, Geo, Sholing, Hants, Storekeeper. Dec 11. Miller, Copthall

Walmesley, Charlotte Eliz, Connaught-sq, Hyde-pk. Dec 15. Few & Co, Henrietta-st, Covent-garden

Webster, Ann, Cheadle, Cheshire, Spinster. Dec 30. Wood, Manch

Winsor, John, Ivybridge, Devon, Paper Maker. Dec 30. Edmonds & Sons, Plymouth

TUESDAY, Nov. 7, 1871.

Brooks, Geo, North Littleton, Worcester, Wheelwright. Dec 15. Corbett, Worcester
Burdon, Thos, Priory-rd, Kilburn. Nov 30. Robins, Guildhall-chambers Basinghall-st
Burnes, Sydney Holmes, Sale-st, Paddington, Captain. Dec 31. Crosse Bell-yd, Doctor's-commons
Champion, Graham, Stafford-st, Dairyman. Dec 20. Capron & Co, Savile-pl, New Burlington-st
Dodd, John, Kirkby Stephen, Westmoreland, Gent. Nov 30. Preston, Kirkby Stephen
Dyson, John, Huddersfield, York, Cloth Finisher. Dec 1. Clough & Son, Huddersfield
Edington, Eliz, Stella, Durham, Spinster. Nov 30. Hodge & Harle, Newcastle-upon-Tyne
Elster, Derrick John, John-st, Adelphi, Merchant. Dec 18. Carter, Austin-friars
Exell, Hy, North Nibley, Gloucester, Yeoman. Jan 1. Vizard & Co, Dursley
Gorham, Ruth, Uxbridge Common, Middlesex, Spinster. Dec 31. Clutton & Haines, Serjeant's-inn, Fleet-st
Hornvold, Lucy, Denmark House, Upper Norwood, Widow. Dec 31. Currie & Williams, Lincoln's-inn-fields
Jackson, Catherine, Garlonds, Asylum, Carlisle, Cumberland, Widow. Nov 25. Dobinson & Watson, Carlisle
Jackson, Thos, Shilton, nr Coventry, Warwick, Farmer. Feb 1. Dewes & Son
James, Edwd, Plymouth, Devon, Starch Manufacturer. Feb 7. Edmonds & Son, Plymouth
Jordan, Prudence Edwd, Worcester, Spinster. Jan 5. Pidcock, Worcester
Keet, Jas, Newport, Isle of Wight, Gent. Dec 4. Stead & Co, Romsey
Mackleod, Dame Eliz Marianne, Hamilton-ter, St John's-wood. Dec 20. Lewis & Co, Old Jewry
Mallalieu, Wm, Ockbrook, nr Derby. Dec 31. Taylor, Bakewell
Nursaw, Edwd, Haxby, York, Gent. Jan 1. Walker, York
Oakeley, Edwd, Charles-st, St James's-sq, Esq. Dec 23. Turner, Bedford-row
Page, Robt, Albany Farm, Hants, Farmer. Dec 5. Goble, Fareham
Parkes, Josiah, Gt College-st, Westminster, Civil Engineer. Dec 30. Dyte, King's Bench-walk
Parsons, Geo, Parkstone, Dorset, Commander R.N. Dec 20. Brine, Poole
Patience, Thos, Colchester, Essex. Dec 8. Arnold, Gravesend
Pettit, Fredk, Lime-st, Merchant. Dec 25. Barnard & Harris, Gresham-bldgs, Basinghall-st
Robinson, Thos, Denby Old Hall, Derby, Farmer. Dec 18. Grover & Humphreys, King's Bench-walk, Temple
Smith, Jas, Horbury, York, Nail Maker. Dec 30. Watts & Son, Dewsbury
Starr, Geo, Mathryafel, Montgomery. Brodie, St Peter-st, Islington
Stephens, Joseph May, Ramiscombe Farm, Cornwall, Yeoman. Dec 20. Sole & Gill, Devonport
Stephens, Stephen, Ramiscombe Farm, Cornwall, Yeoman. Dec 10. Edmonds & Son, Plymouth
Taylor, Thos, Darrington, York, Farmer. Dec 15. Hutton, Pontefract
Todd, Isabella, East Biggins, Durham, Widow. Dec 1. Trotter, Bishop Auckland
Vise, Fras, Donington, Lincoln, Solicitor. Jan 1. Wiles & Chapman, Donington
Wagstaff, Wm, Waterloo-rd, Lambeth, Licensed Victualler. Dec 9. Child, Paul's Bakehouse-ct, Doctors'-commons
Walker, David Mowbray, Gloucester, Esq. Dec 31. Wiltens & Riddiford, Gloucester
White, Abraham, Stapleton, Gloucester, Brass Worker. Dec 21. Lawes, Bristol

Bankrupts.

FRIDAY, Nov. 3, 1871.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Carson, John, out of England, no occupation. Pet Oct 30. Brougham. Nov 21 at 11
Hatch, Stephen, Asylum-rd, Old Kent-rd, Builder. Pet Oct 30. Brougham. Nov 23 at 11
Phillips, W R, Piccadilly, no occupation. Pet Oct 24. Roche. Nov 17 at 12 30

To Surrender in the Country.

Cuthbert, John, Newton-le-Willows, York, Farmer. Pet Oct 30. Jefferson. Northallerton, Nov 16 at 11
Fowler, Wm, Over Darwen, Lancashire, Builder. Pet Oct 30. Bolton. Blackburn, Nov 16 at 10
Harwood, Ralph Hy, Over Darwen, Lancashire, Builder. Pet Nov 1. Bolton. Blackburn, Nov 16 at 11
Mangnall, Wilbraham, Bolton, Lancashire, Attorney-at-Law. Pet Oct 30. Holden. Bolton, Nov 16 at 10

TUESDAY, Nov. 7, 1871.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in the Country.

Dickerson, John Cllsold, Cheltenham, Gloucester, Butcher. Pet Nov 2. Gale. Cheltenham, Nov 21 at 11
Jones, Eliz, Rhyl, Flint, no occupation. Pet Nov 2. Jones. Bangor, Nov 18 at 12

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Nov. 3, 1871.

Ablett, Wm Hy, Queen's Head-passage, Newgate-st, Manufacturer. Nov 20 at 2, at office of Phelps & Sidgwick, Gresham-st
Afford, Fredk, Norwich, Shoe Manufacturer. Nov 14 at 11, at offices of Miller & Co, Bank-chambers, Norwich
Bontoft, Harrison, Alford, Lincoln, Printer. Nov 18 at 11, at office of Norris & Co, Bedford-row
Brown, Michael, Stockport, Cheshire, Clogger. Nov 14 at 3, at office of Johnston, Vernon-st, Stockport
Burrell, Geo, Horton, Bradford, York, Importer of Dutch Yeast. Nov 20 at 3, at offices of Gant, Union-passage, Kirkgate, Bradford
Bush, Wm, Charlton Kings, Gloucester, Carpenter. Nov 15 at 4, at offices of Smith, Regent-st, Cheltenham
Butcher, Georgiana Emma, Grove-ter, Notting-hill, Berlin Wool Dealer. Nov 17 at 3, at offices of Scarth, Welbeck-st, Cavendish-sq
Cain, Edwd John, & Edwd Jas Cain, Upper Grange-rd, Bermondsey, Timber Merchants. Nov 10 at 2, at the Guildhall Coffee-house, Gresham-st. Chipperfield & Short, Trinity-st, Southwark
Card, John, Aldermanbury, Wholesale Shirt Manufacturer. Nov 14 at 3, at offices of Foreman & Cooper, Gresham-st. Mason, Gresham-st
Carrodus, Wm Jas, & Wm Astin, Holroyd Mill, nr Bingley, York, Stuff Manufacturers. Nov 16 at 11, at offices of Terry & Robinson, Market-st, Bradford
Charlesworth, Wilson, Netherthong, York, Grocer. Nov 16 at 3, at offices of Booth, Lane End, Holmfirth
Claydon, Geo, Kingsland-rd, Boot Manufacturer. Nov 16 at 12, at offices of Nicholson, Gresham-st. Montagu, Bucklersbury
Cooke, Thos, Monks Coppenhall, Cheshire, Saddler. Nov 15 at 3, at the Royal Hotel, Crewe. Sheppard, Crewe
Corti, Paul, jun, Exeter, Watchmaker. Nov 17 at 3, at 145, Cheapside
Draper, Richd, New Brighton, Cheshire, Chemist. Nov 17 at 2, at office of Grocott & Browne, Hanover-st, Lpool
Ellison, Evan, Lpool, Licensed Victualler. Nov 15 at 3, at office of Cobb & Sawton, Dale-st, Lpool
Farr, Geo Thos Adams, Clarence-rd, Bow, no employment. Nov 10 at 2, at office of Marshall, Hatton-garden
Fildes, Wm, Stockport, Cheshire, Mill Warper. Nov 16 at 3, at offices of Reddish & Lake, Gt Underbank, Stockport
French, Geo, Walsall, Stafford, Grocer. Nov 21 at 3, at offices of Rowlands, Ann-st, Birm
Glover, Jas, Walsall, Stafford, Iron Founder. Nov 15 at 11.30, at offices of Wilkinson & Gillespie, Bridge-st, Walsall
Graham, Jas, Bangor, Carnarvon, Hawker. Nov 27 at 2, at the Oak Farm Inn, Oak-st, Crewe. Foulkes, Bangor
Harris, Jas, Reading, Berks, Builder. Nov 16 at 11, at offices of Belle, London-st, Reading
Harris, John, New Brompton, Kent, Grocer. Nov 23 at 3, at offices of Stephenson, New-rd, Chatham
Harrop, Hinchcliffe, Dewsbury, York, Plumber. Nov 17 at 11, at the Royal Hotel, Dewsbury. Sutcliffe, Halifax
Harwood, Hy, Leeds, Grocer. Nov 16 at 2, at offices of Emsley, East-parade, Leeds
Hodson, Chris, Manch, Bootmaker. Nov 16 at 3, at offices of Smith & Boyer, Brazennose-st, Manch
Holden, Archibald, Lamb's Conduit-st, House Decorator. Nov 18 at 3, at offices of Evans & Co, John-st, Bedford-row
Holings, Edmd, Burley Lawn, nr Leeds, Assistant Druggist. Nov 21 at 11, at office of Harle, Bank-st, Leeds
Jeffs, Wm, Northampton, Boot Maker. Nov 14 at 3, at the Corn Exchange-parade, Northampton. Jeffery, Newland, Northampton
John, Thos, Swansea, Glamorgan, Hammerman. Nov 13 at 11, at offices of Davies & Hartland, Rutland-st, Swansea
Jones, Chas, Swiss-cottages, Balaclava-rd, Bermondsey, Builder. Nov 17 at 3, at the Roebuck Tavern, Gt Dover-st, Borough. Bilton, New Bridge-st
Kendrick, Thos, Birm, Furniture Dealer. Nov 13 at 3, at offices of Maher, Upper Temple-st, Birm
Kingsland, Mark Wm, Cudham, Kent, Miller. Nov 15 at 11, at the Harrow Inn, Knockholt. Palmer
Lancefield, Geo Fredk, Fulham-rd, Wine Merchant. Nov 27 at 3, at offices of Lawrence & Co, Old Jewry-chambers
Long, Dickson Walt Mortimer, Wilmington, Kent, Brewer. Nov 25 at 3, at offices of Boydell, South-st, Gray's-inn
Luttman, John, jun, Noel-st, Islington, Accountant. Nov 16 at 3, at offices of Philp, Pancras-lane, Queen-st
Lynch, Thos, North Shields, Northumberland, Tobacconist. Nov 18 at 12, at offices of Duncan, King-st, South Shields
Martin, Jas, Bath, Captain. Nov 17 at 11, at offices of Wilton, Westgate-bldgs, Bath
Mason, Jas, Stockport, Cheshire, Shopkeeper. Nov 15 at 3, at offices of Reddish & Lake, Gt Underbank, Stockport
Mayo, David, Seymour-st, Euston-sq, Baker. Nov 20 at 12, at office of Pope, Gt James-st, Bedford-row
Meirs, John Hy Wm, Sandown, Isle of Wight, Grocer. Nov 17 at 2, at office of Hooper, Union-st, Ryde
Mitchell, Lemuel, Upper-st, Islington, Boot Manufacturer. Nov 17 at 2, at offices of Blachford & Riches, Gt Swan-alley, Moorgate-st
Patchett, John, Hipperholme-cum-Brighouse, Halifax, York, Stonemason. Nov 13 at 10, at offices of Hargreaves, Market-st, Bradford
Peckham, Robt, Maidstone, Kent, Farmer. Nov 16 at 11, at offices of Goodwin, Mill-st, Maidstone
Pulling, Geo, High Holborn, Upholsterer. Nov 23 at 1.30, at the Auction Mart, Tokenhouse-yd
Reid, Robt, Bradford, York, Grocer. Nov 18 at 10.30, at offices of Hutchinson, Piccadilly-chambers, Bradford
Rodgers, Hy, Goswell-rd, Butcher. Nov 10 at 12, at the Guildhall Coffee-house, Gresham-st. Chidley, Old Jewry
Sargent, Herbert, Seaford, Sussex, Tobacconist. Nov 10 at 10, at office of Holman, High-st, St Michael's, Lewes
Schumacher, Fredk, Golden-lane, Baker. Nov 10 at 12, at the Blackwall Railway Hotel, Fenchurch-st
Simmons, Edwd, Portsea, Hants, Cabinet Maker. Nov 16 at 3, at offices of Cooper & Co, Cheapside. Ashurst & Co, Old Jewry
Smith, Wm, Birm, Draper. Nov 14 at 3, at offices of Rowlands, Birm
Snuggs, Chas, Cronwall, Hants, Wheelwright. Nov 15 at 3, at offices of Bayley, Aldershot
Stevens, Martha, Swansea, Glamorgan, Butcher. Nov 14 at 3, at offices of Morris, Rutland-st, Swansea
Tuson, Hy, & Chas Tuson, West India Dock-rd, Limehouse, Printers. Nov 21 at 2, at offices of Ashley & Teel, Frederick's-pl, Old Jewry

Walker, Joseph, Keswick, Cumberland, Wine Merchant. Nov 17 at 3, at the George Hotel, Keswick. McKelvie, Whitehaven
Watson, John, Earls-court-rd, Kensington, Gas Fitter. Nov 20 at 12 at offices of Pullen, Cloisters, Middle Temple
Whittaker, Isaac, Padiham, Lancashire, Grocer. Nov 22 at 3, at offices of Hartley, Nicholas-st, Burnley
Wilson, Wm, Lpool, Comm Agent. Nov 16 at 2, at offices of Bellringer, North John-st, Lpool
Woodman, Geo Wm, Walmer-rd, Notting-hill, Licensed Victualler. Nov 14 at 3, at offices of Tilley, Finsbury-pl, South
Yoxall, Edwd, Alsager, Cheshire, Comm Agent. Nov 27 at 11, at office of Sherratt, Kidsgrove

TUESDAY, Nov. 7, 1871.

Atkinson, Joseph, Hickmondwike, York, Blanket Manufacturer, Nov 20 at 3, at offices of Ibberson, Dewsbury
Baker, John, Sunderland, Durham, House Builder. Nov 23 at 11, at offices of Skinner, John-st, Sunderland
Blanksby, Herbert, Nottingham, Tinman. Nov 27 at 12, at offices of Acton, Victoria-st, Nottingham
Bliss, Thos, The Terrace, Ladywell, Clerk. Nov 22 at 2, at offices of Roberts, Moorgate-st
Bloor, Thos, Longton, Stafford, Grocer. Nov 17 at 2.30, at the Railway Hotel, Winton-sq, Stoke-upon-Trent. Paddock, Hanley
Bower, John Dawson, Stockport, Clerk. Nov 20 at 3, at office of Johnston, Vernon-st, Stockport
Brabbins, Geo Wm, Wolverhampton, Stafford, Hairdresser. Nov 18 at 11, at offices of Cresswell, Bilston-st, Wolverhampton
Bromfield, Wm, Monks Coppenhall, Cheshire, Chemist. Nov 18 at 3, at the Railway Hotel, Station-st, Crewe. Sheppard, Crewe
Browne, Hy John, Nottingham, Corn Factor. Nov 21 at 12, at office of Thorpe & Thorpe, Thurland-st, Nottingham
Cawkwell, John, Marton, Lincoln, Shopkeeper. Nov 22 at 11, at office of Bladon, Gainsborough
Clark, Chas, Fredk, Louth, Lincoln, Joiner. Nov 17 at 11, at offices of Hyde, jun, Upgate, Louth
Cocker, Alf Richd, Gower-st, Bedford-sq, Solicitor. Nov 23 at 2, at offices of Linklater & Co, Walbrook
Craps, Mary, & Ebenezer Baldwin, Louth, Lincoln, Drapers. Nov 25 at 11, at offices of Toynbee & Larken, Lincoln
Daniels, Mary, Hurst Green, Sussex. Nov 18 at 2.30, at 1A Robertson-st, Hastings. Philbrick
Davies, Saml, Tottenham-court-rd, Linen Draper. Nov 20 at 2, at offices of Ladbury & Co, Cheapside. Linklater & Co, Walbrook
Dean, Joseph, Rochdale, Lancashire, Plumber. Nov 17 at 3, at the White Swan Inn, Yorkshire-st, Rochdale. Standring, jun, Roch dale
Dearden, John Edwd, & Joseph Thos Dearden, Edgeworth, Lancashire, Cotton Spinners. Nov 21 at 3, at the Clarence Hotel, Spring-gardens, Manch. Dawson, East Bolton
Dobson, Thos, Stockton-on-Tees, Durham, Linen Draper. Nov 14, at the Royal Hotel, Mosley-st, Manch
Douglas, John, Wolverhampton, Stafford, Wine Merchant. Nov 21 at 11, at offices of Bolton & Co, Snow-hill, Wolverhampton
Dowers, Cornelius, Chippenham-mews, Harrow-rd, Carman. Nov 20 at 2, at offices of Lewis, Cheapside
Edwards, David, Landovery, Carmarthen, Carpenter. Nov 16 at 2, at the King's Head Inn, Llandilo. Bishop, Llandilo
Fage, Edwin, Landport, Hants, Stationer. Nov 23 at 3, at office of Way, St George's-sq, Portsea
Farrer, Hy Ward, Queen-st, Cheapside, Merchant. Nov 21 at 2, at offices of Hillearys & Tunstall, Fenchurch-bldgs
Feild, Thos, St Luke's rd, no occupation. Nov 15 at 3, at office of Marshall, Lincoln's inn-fields
Fellows, Wm, Bilston, Stafford, Provision Dealer. Nov 10 at 12, at office of Fellows, Mount-pleasant, Bilston
Flanagan, David John, Old Fish-st, Stuff Printer. Nov 23 at 12, at 33, Gutter-lane. Tatham, Gt Knightrider-st, Doctors'-commons
Fox, Hy Thos, Queen's-rd, Bayswater, Flour Merchant. Nov 22 at 4, at offices of Halse & Co, Cheapside
Gibbons, Hy, Leadenhall-st, Shirt Maker. Nov 23 at 3, at offices of Halse & Co, Cheapside
Gipson, Walter Edwd, Ashford, Kent, Plumber. Nov 22 at 12, at office of Furley & Co, Ashford
Gostling, Eliz, Market Rasen, Lincoln, Schoolmistress. Nov 18 at 11, at offices of Toynbee & Larken, Bank-st, Lincoln
Harris, John, Wainwen, nr Swansea, Glamorgan, Accountant. Nov 14 at 11, Morris, Rutland-st, Swansea
Hobson, Wm, Stockport, Cheshire, Butcher's Assistant. Nov 21 at 3, at offices of Reddish & Lake, Gt Underbank, Stockport
Holloway, Hy, Bilston, Stafford, Tobacconist. Nov 18 at 2, at offices of Bowen, Mount-pleasant, Bilston
Holmes, Hy Geo, Wolverhampton, Stafford, Cabinet Maker. Nov 17 at 4, at office of Stratton, Queen-st, Wolverhampton
Homberg, Otto, & Gustavus Hass, Eastcheap, Wine Merchants. Nov 30 at 2, at the Guildhall Coffee-house, Gresham-st. Langton, Walbrook House, Walbrook
Hewitt, Abraham, Potovers, York, Innkeeper. Nov 20 at 2, at office of Barratt, Barstow-sq, Wakefield
Hudson, Joseph, Stockport, Cheshire, Ironmonger's Assistant. Nov 20 at 2, at offices of Reddish & Lake, Gt Underbank, Stockport
Kennedy, Hugh, Bristol, Lamp Merchant. Nov 16 at 12, at offices of Abbot & Leonard, Albion-chambers, Bristol
Ivey, Wm Pearce, jun, Colchester-st, South George-sq, Pimlico, Comm Agent. Nov 22 at 2, at office of Plunkett, Gutter-lane
Jackson, Joseph, Dawley, Salop, Miller. Nov 20 at 3, at office of Knowles & Son, Church-st, Wellington
Jacobson, Seelig, & Abraham Jacobson, Manch, Manufacturers. Nov 20 at 3, at offices of Gardner & Horner, Cross-st, Manch
Jacoby, Abraham, Langley-pl, Commercial-rd, Clothier. Nov 15 at 3 at office of Holmes, Eastcheap
Jay, Thos, Blandford Forum, Dorset, Blacksmith. Nov 18 at 11, at offices of Fincham & Bellyse, Close, Blandford Forum
Kuner, Isidor, Bisernavon, Monmouth, Journeyman Watchmaker. Nov 20 at 3, at office of Lloyd, Park-ter, Pontypool
Latham, Edwd, & Joseph Latham, Wakefield, York, Builders. Nov 20 at 11, at office of Jasson & Co, Barstow-sq, Wakefield
Leadbeater, Joshua, Liversedge, York, Joiner. Nov 17 at 3, at the George Hotel, Heckmondwike. Schofield, Batley
Leathers, Thos, Store-st, Bedford-sq, Butcher. Nov 14 at 2, at the Guildhall Coffee-house, Gresham-st. Chidley, Old Jewry
Martin, Edwin, Hawkhurst, Kent, Innkeeper. Nov 22 at 2, at offices of Lovering & Minton, Gresham-st. Hughes, New-sq, Lincoln's-inn
Mills, Hy Chas, Portsmouth, Navigating Sub-Lieut R.N. Nov 21 at 3, at offices of Walker, Union-st, Portsea
Mundell, Fredk Chas, Southport, Lancaster, Contractor. Nov 22 at 2, at offices of Etty, Lord-st, Lpool
Myers, Jacob, & Lipman Louis Morrison, Leeds, Hat Manufacturers. Nov 20 at 3, at offices of Ferns, Bank-st, Leeds
Paull, Joseph, Ringwood, Hants, no occupation. Nov 18 at 3, at the Crown Inn, Ringwood. Johns, Ringwood
Pike, James, Wigmore-st, Cavendish-sq, Sign Writer. Nov 21 at 2, at the Guildhall Coffee-house, Gresham-st. Merriman & Co, Queen-st
Pillar, Thos Hy, Stoke, Devonport, Devon, Licensed Victualler. Nov 23 at 12, at offices of Beer & Rundle, Ker-st Devonport
Pinches, Richd, Sedgley, Stafford, Plumber. Nov 18 at 11, at offices of Bolton & Co, Snow-hill, Wolverhampton
Poole, Thos, Longton, Stafford, Manufacturer of Earthenware. Nov 14 at 11, at the Union Hotel, Longton. Hawley, Longton
Reed, Wm, West Hartlepool, Durham, Tailor. Nov 17 at 3, at the Raglan Hotel, West Hartlepool. Hopper, West Hartlepool
Richardson, Robt, Newcastle-upon-Tyne, Grocer. Nov 17 at 2, at offices of Hoyle & Co, Mosley-st, Newcastle-upon-Tyne
Robinson, Fredk, Southowram, York, Grocer. Nov 16 at 11, at office of Storey, Cheapside, Halifax
Rolfe, John, Henham, Suffolk, Farmer. Nov 20 at 1, at the King's Arms Hotel, Halesworth. Wiltshire, Great Yarmouth
Rudderforth, Thos Wm, Fenchurch-st, Shipping Agent. Dec 1 at 2, at offices of Salaman, King-st, Cheapside
Sharp, Hy, Kingsgate-st, Holborn, Smith. Nov 15 at 1, at office of Scott, Powis-pl, Great Ormond-st
Shore, Jacob, Rochdale, Lancashire, Woolsorter. Nov 17 at 3, at office of Roberts & Sons, John-st, Rochdale
Simpson, Francis, & Wm Lawton, Leeds, Drapers. Nov 22 at 11, at office of Hunt & Son, Portland-st, Manchester. North & Sons, Leeds
Smith, Alfred, Cromwell-ter, Hartfield-rd, New Wimbledon, Factor. Nov 20 at 3, at offices of Smith, Poultry
Smith, Alfred, & John Gardner, Upper Thames-st, Factors. Nov 17 at 2, at the Guildhall Coffee-house, Gresham-st. Smith, Poultry
Smith, John, Frensham, Surrey, Farmer. Nov 24 at 2, at the White Lion Hotel, Guildford. Soames, Petersfield
Stafford, Robt, Sunderland, Durham, House Builder. Nov 23 at 11, at offices of Haswell, East Cross-st, Sunderland
Storkey, Joseph, Bristol, Builder. Nov 15 at 2, at the White Lion Hotel, Broad-st. Benson & Elletson, Bristol
Stormer, Wm, Regent-st, Tailor. Nov 16 at 3, at offices of Chidley, Old Jewry
Taylor, Chas Wm, Birm, Printer. Nov 16 at 11, at offices of Fitter, Bennett's-hill, Birm
Wagg, Michael, Ashley Down, Gloucester, Beer-house Keeper. Nov 16 at 12, at offices of Hancock & Co, John-st, Bristol
Waller, John, Darlington, Durham, Shoe Dealer. Nov 18 at 1, at offices of Thompson, Finkle-st, Stockton-on-Tees. Draper, Stockton-on-Tees
Williams, Wm Wainwright, Handsworth, Stafford, out of business. Nov 17 at 11, at office of Wenham, Ann-st, Birm. Harrison, Birm
Warren, Chas, Harefield-ter, Brookley rd, Deptford, Builder. Nov 22 at 3, at office of Bristow, London st, Greenwich
Webb, Isaac, & Saml Isaac Webb, Walsall, Stafford, Stonemasons. Nov 17 at 11, at Post office Chambers, Bridge, Walsall. Barnett
Worsell, Geo Todhunter, Caledonian rd, Butcher. Nov 16 at 12, at offices of Dobson, Quality court, Chancery lane